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FIELD HEARING—ANCHORAGE, AK

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

OVERSIGHT HEARING ON AMENDMENTS TO THE INDIAN CHILD WELFARE ACT; ELIGIBILITY FOR IHS HEALTH CARE SERVICES; FUNDING FOR PARAPROFESSIONAL EDUCATION PERSONNEL; FUNDING FOR ADDITIONAL COMMUNITY HEALTH AIDE PERSONNEL; AND COMMUNITY-BASED MENTAL HEALTH INITIATIVE

SEPTEMBER 2, 1988
ANCHORAGE, AK

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CONTENTS

Statements:

Page
Albert, Mike, representative, Tunnunak Tribal Council, Tunnunak, AK 23
Apokedak, Ida, president, Bristol Bay Health Corporation 56
Ashby, Wilfred Ricky, board of directors, Maniilaq Association, Kotzebue, AK 102
Burgess, Dr. Robert, IHS Community Health Aide Program Coordinator, Anchorage, AK 58
Caldera, Debra, MPH, director, Community Health Aide Program, Yukon Kuskokwin Health Corporation, Bethel, AK 47
Charlie, David, vice president, Toksook Bay Traditional Council, Toksook Bay, AK 26
Chesley, Gladys, director of tribal affairs, Maniilaq Association, Kotzebue, AK 86
Clark, Robert, executive director, Bristol Bay Regional Health Corporation 42
Combs, Esther, executive director, Cook Inlet Tribal Council 91
DeLeo, Dr. Dennis, chief of Psychiatric Services, Alaska Native Medical Center, Anchorage, AK 61
Demientieff, Mitch, president, Tanana Chiefs Conference, Inc., Fairbanks, AK 13
Edwardson, Charles, Jr., Barrow, AK 105
Graf, Dr. Michael, Ph.D., director, Mental Health Services, Tanana Chiefs Conference, Inc., Fairbanks, AK 68
Hamilton, Joan, family services worker, North Pacific Rim, Anchorage, AK 88
Harrison, Gary, representative, council of traditional government, Chickaloon, AK 76
Hugo, Beverly E., certified physician's assistant, Rural Alaska Health Education Center—Board member, Barrow, AK 44
Inouye, Hon. Daniel K., U.S. Senator from Hawaii, chairman, Select Committee on Indian Affairs 1
Ivy, Gerald, Alaska Area Indian Health Services Director, IHS 58
Jackson, Lorraine, Health and Human Services Deputy Director, Copper River Native Association, Copper Center, AK 80
Jacobson, Desa, Anchorage, AK 30
Kasayulie, Willie, chairman, Alaska Native Coalition 98
Kvasnikoff, Virginia M., vice president, Ninilchik Village Traditional Council 107
Lincoln, Grace, CHP Coordinator, Maniilaq Health Association, Kotzebue, AK 104
Mayo, Will, director, Sub-Regional Services, Tanana Chiefs Conference, Inc., Fairbanks, AK 33
McMullen, Eleanor, community health aide, coordinator instructor, North Pacific Rim Community Health Services Program, Port Graham, AK 51
Merculieff, Rinna, executive director, Southcentral Foundation, Anchorage, AK 39
Miller, Mary A., tribal operations, Kawerak, Nome, AK 92
Mills, Mary Ann, Sovereign Indigenous Women of the Arctic, Sterling, AK 100
Modig, Doug, director, Alcohol Department, Rural Alaska Community Action Program, Anchorage, AK 73
Munson, Myra M., Commissioner, Alaska Department of Health and Social Services, Juneau, AK 4
Neakok, Raymond, member, Village of Barrow and Ira, Barrow AK 85

Page

Statements—Continued

Nick, Oscar, elder, Atmautluak Village, AK; translated by Andrew Chikoyak, translator, Tununak Village 79
Nighswander, Dr. Thomas, director, ambulatory care service, Alaska Native Medical Center, Anchorage, AK 60
Richards, William, director, Community Mental Health Services, IHS 64
Ricketts, Theresa, Area Coordinator, Drug and Alcohol Program, IHS, Anchorage, AK 67
Roberts, Margaret, chairperson, Board of Kodiak Area Native Association, Kodiak, AK 36
Sherry, Paul, director, Department of Health Services, Tanana Chiefs Conference, Inc., Fairbanks, AK 54
Swan, Theresa, director, Social Services, Ketchikan Indian Corporation 95
Tennyson, Deborah, executive director, Bristol Bay Native Association, Bristol Bay, AK 15
Thomas, Edward, president, Central Council of Tlingit Tribes, Juneau, AK 34
Tucker, Evelyn, director, Alaska State Mental Health Board, Anchorage, AK 82
Willard, Ruth, delegate, Tlingit and Haida Central Council, Juneau, AK, on behalf of Bertha Cavanaugh, second vice president Tlingit and Haida Central Council 19

APPENDIX

Prepared statements:

Alaska Federation of Natives 554
Apokedak, Ida 354
Ashby, Wilfred Ricky 545
Atmautluak Traditional Council 160
Boratko, Margie, community health aide, Upper Kalskag, AK 241
Caldera, Debra (with attachments) 240
Cavanaugh, Bertha 144
Charlie, David (with attachments) 152
Chesely, Gladys 376
Clark, Robert 233
Combs, Esther 380
Demientieff, Mitch 132
Edwardson, Charles, Jr. (with attachments) 548
Graf, Dr. Michael 360
Harrison, Gary 367
Hugo, Beverly E. 237
Ivy, Gerald 358
Jackson, Lorraine 370
Jemewouk, John (with attachments) 228
Ka'iana, William 551
Kasayulie, Willie 398
Kozevnikoff, Ursula, community health aide, Emmonak, AK 241
Kvasnikoff, Virginia M. 550
Lewis, Lucy, community health aide, Kwigillingok, AK 240
Mayo, Willard (with attachments) 204
McMullen, Eleanor 344
Merculieff, Rinna 226
Miller, Mary 386
Mills, Mary Ann (with attachments) 403
Munson, Myra M. (with attachments) 109
Neakok, Raymond 374
Roberts, Margaret 222
Sherry, Paul 348
Smith, Maggie, community health aide, Hooper Bay, AK 242, 342
Swann, Theresa 393
Tennyson, Deborah 139
Thomas, Edward 216
Tucker, Evelyn 372
Wasili, James 553

Additional material submitted for the record:

"After Tragedies, Alaskan Villagers Work Together To Stay Sober," Hal Bernton, article 364
Interim Report of Senate Special Committee on Suicide Prevention 574

AMENDMENTS TO THE INDIAN CHILD WELFARE ACT; ELIGIBILITY FOR IHS HEALTH CARE SERVICES; FUNDING FOR PARAPROFESSIONAL EDUCATION AND ADDITIONAL COMMUNITY HEALTH AIDE PERSONNEL; AND COMMUNITY-BASED MENTAL HEALTH INITIATIVE

FRIDAY, SEPTEMBER 2, 1988

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Anchorage, AK.

The committee met, pursuant to notice, at 1:20 p.m., in Courtroom No. 1, Federal Building, Anchorage, AK, Hon. Daniel K. Inouye (chairman of the committee) presiding.

Present: Chairman Inouye.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. Before proceeding, I would like to apologize for this delay. The plane arrived a little late.

We have just concluded a meeting with the Alaska Native Coalition.

Now I would like to welcome all of you to the official hearing of the Senate Select Committee on Indian Affairs.

This afternoon we will receive testimony first on amendments to the Indian Child Welfare Act; second, on eligibility for the health care services provided either directly or by contract with the Indian Health Service; third, the need for additional funding and training of community health aides and paraprofessionals, and the need for additional health personnel for the community health aide program; and fourth, the need for comprehensive community-based mental health initiative.

We are here to receive your views on these very important matters.

Recognizing that the problems and issues confronting the Native people of Alaska are unique, we have come here not only to receive your testimony, but, more importantly, to visit your Native communities, to see you face to face, and to hear your concerns in person.

I have just come from a week of hearings and visits to Native communities in my State, the State of Hawaii. We have made these long journeys because it is my belief that for too long solutions made in Washington for problems in the native American community have very seldom worked.

I am here because I believe that solutions to problems confronting native people can be found in native communities among native people.

It may interest you to know that in the past year and a half, as chairman of the committee, I have visited more Native communities than all of the prior chairmen combined. It is not a happy thing to share with you. After all, the problems of Native people are not the highest priority among my colleagues.

In fact, if it is of any interest to you, I became a member of this committee because there was a vacancy and nobody wanted to fill it. The steering committee looked at me and said, "Maybe you are the one that should serve on that committee. At least you look like an Indian." [Laughter.]

I have been told that many of you have travelled long distances at great expense to be here with this committee, and I appreciate that very much. We know that all of you have put in much time and have put your minds and your hearts into preparing for this hearing, and we have come to listen to you and to take back your agenda to my colleagues in Washington.

I have been told that for many this will be their first experience in testifying and that you may be nervous. This is my first visit to Anchorage, so we are equal. I am nervous also. I don't ordinarily sit in a judge's bench like this. For a moment I thought I was back in the Iran Contra committee hearing [Laughter.]

Our first subject will address proposed amendments to the Indian Child Welfare Act. In the 10 years since the passage and enactment of this law, we have witnessed a wide variation in the manner in which courts have sought to administer the act.

Testimony already received by the committee in hearings in Washington would indicate that in some cases the intent of the Congress is not being carried out. We know that native children are sometimes taken from their culture and their native communities—sometimes with less than positive results.

Our witness list is very extensive, and it is likely that time will not permit all who may wish to present testimony on this issue to do so. But if time does not permit, I can assure you that your testimony will be included in the hearing record in full as if given personally.

For those of you who may wish to discuss this matter further with the committee staff, a room has been reserved near this hearing room so that any of you who may wish to do so may meet with our senior staff attorney in charge of this subject, Mr. Peter Taylor.

On the issue of eligibility for the services provided by the U.S. Department of Health and Human Services and the Indian Health Service, some of you may know that in response to wide-spread concern in the native community I sponsored an amendment to the Interior Appropriations bill last year to delay implementation of the new eligibility rule for 1 year.

This year, again in response to the call of native communities, both House and Senate Interior Appropriation Committee bills contained language further delaying the implementation of the rule for an additional year.

Recently the committee reported a bill that would impose a 3-year moratorium on the eligibility rule while a study is conducted to examine the impact of the rule on services and the health care needs of native people.

And so your testimony this afternoon will help the committee and the Congress to determine how you wish this issue to be treated in Alaska. We look forward to hearing your thoughts.

Through your active representation of those who support and advocate on behalf of the Community Health Aide Program, we are also here to examine the need for additional funding and additional personnel for that program. It is a very valuable program, without which the health of native people in Alaska would obviously suffer greatly.

The community health aides are the first line of defense in native communities and, of course, as we know, the only health care providers. You work long and hard—often with no relief, and frequently with inadequate training and resources. We want to turn this around if we can.

Some of us in Washington know that 95 percent of the villages involved are inaccessible. We also know that the average is about one health aide per village on a 24-hour basis, and it just doesn't work out.

On July 7 of this year the committee held its first hearing on the need for a comprehensive community-based mental health initiative. A second hearing was held on August 26. From what we have been hearing, the mental health problems of native people are significant. They must be addressed. Thus far, few resources and programmatic initiatives have been made available to do so.

Alarmingly high rates of alcoholism, suicide, depression, and substance abuse in native communities underscore this need.

I don't think this should come as a surprise to others who may not be involved—with unemployment, with poverty, and with social deprivation—that depression should be one of the consequences. Alcoholism is another consequence, and suicide. But the statistics in Alaska are just horrendous.

Some of the information that I received it was suggested that for males in the age category of 20 to 24, the suicide rate is 20 times that of the nation. If you told me it was 3 times I would have been horrified, but to say that it is 20 times, that is unacceptable.

We are here to listen about such problems in the native communities and gather your expertise on how to address these problems.

We will be working with native people to develop a comprehensive community-based mental health initiative, which we hope to introduce early next year.

As many of you are aware, we have a long and extensive and very ambitious witness list. Unfortunately, we have only 4 hours to discuss these very important issues. So I would ask that, in order for all of those who have traveled so far to be here to have an opportunity to speak, that we limit our testimony. That will allow time for questions.

And, if we must, we will stay until midnight.

[Applause.]

The CHAIRMAN. Before proceeding, I would like to present to you the members of my staff. This is very important. When I became chairman of the committee, one thing I noticed was that this committee which has jurisdiction over the affairs of native Americans had very few native Americans working on the committee.

So the first thing I did was to communicate with the leadership of Indian Country and request suggestions from them. I wanted the name of someone to head the staff. One name was submitted quite often. He was then the president of the American Indian National Bank. His pay was much more than what the committee could offer him. He was also a very prominent Indian lawyer. But after some discussion, we were able to get him to come head up the committee's work.

One of the things that intrigued me was that he is the great-great grandson of a very distinguished American, Chief Sitting Bull. Doesn't he look like a chief? Alan Parker.

Mr. Parker is a member of the Chippewa-Cree Nation. He is an enrolled member of the tribe. [Applause.]

For the chief counsel's position, I was able to convince a Navajo woman to serve in that capacity. She has a doctorate in psychology. She is a clinical psychologist, and an attorney.

She is presently the chief editor of the "American Indian Law Review" and serves as the chief counsel of the Select Committee on Indian Affairs, Patricia Zell.

[Applause.]

The CHAIRMAN. We are pleased to have one of the real experts in Indian law, who has served as general counsel of this committee since its inception, who is a walking encyclopedia when it comes to Indian law, and I am happy to present to you our senior counsel, Peter Taylor.

He was a member of the American Indian Policy Review Commission, as were Alan Parker and Patricia Zell.

[Applause.]

The CHAIRMAN. Finally, we have brought all the way from Washington our chief clerk, the person who keeps all of our records and our books and has custody over our machinery.

She is a member of the Cochiti Pueblo Tribe. Ms. Elva Arquero.

[Applause.]

The CHAIRMAN. Our first witness is the commissioner of Alaska Department of Health and Social Services from Juneau, Ms. Myra Munson.

Commissioner Munson will be testifying on all four of the issues.

STATEMENT OF MYRA M. MUNSON, COMMISSIONER, ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES, JUNEAU, AK

Ms. MUNSON. Thank you. For the record, my name is Myra Munson, and I am the commissioner of the Department of Health and Social Services.

It is a great pleasure for me to welcome you to the State of Alaska on behalf of Governor Cowper and his administration.

These issues that you are coming to hear about are of great importance to all Alaskans, and especially to the Alaska Native members of our State.

I have had an opportunity to testify before this committee before, and in the interest of your being able to hear and my being able to hear from all of the other people who have come here I am going to keep my remarks very brief and provide the full testimony in writing.

The CHAIRMAN. Your full statement will be inserted in the record immediately following your oral presentation.

Ms. MUNSON. Thank you.

I'm going to speak on each of the subjects, and I will speak on the Indian Child Welfare Act last because my comments are most extensive there. But I would like to comment on each of the other areas before you.

With regard to the Indian Health Service eligibility regulations, the State of Alaska strenuously opposes those proposed Indian Health Service amendments to the eligibility regulations.

We are appreciative of the extension of the congressional moratorium, and we hope that the Indian Health Service will voluntarily withdraw those regulations prior to the expiration of the moratorium. Should it not do so, we will work—and we urge you to work—to bring about congressional action to prevent those regulations from ever going into effect.

I just recently completed work on an interim health care commission appointed by the Governor. We learned in the course of our work in the past 6 months that in Alaska at least 40,000 people of our very small population go without any form of health insurance. These regulations, should they go into effect, would cause another 12,000 people to lose their health coverage. That is a totally unacceptable result, both for our State and for the Alaska Native people of this State. It certainly would be a failure of the commitment of Congress to the special relationship it enjoys with Alaska Natives.

With regard to the Community Health Aid Program, the State is a participant in the support of that program, although not nearly so much as the Congress. We are wholly supportive of it. It is the link to good health care in those small villages. Without the Community Health Aid Program, health care to Alaska Natives would deteriorate significantly, and the cost of providing care—much less acceptable care—would increase dramatically.

We are very pleased to know that there has been a doubling in the support of this program through appropriation this year. We hope that it will remain a very high item on the agenda for future appropriations until we can say that this is, in fact, a fully funded program, as it needs to be.

In the area of Community-Based Mental Health Services, Alaska had, as you pointed out, some of the most serious mental health problems facing any State, in behalf of all of our citizens.

There are many improvements that have occurred in the mental health system in the State since the mid 1970's when we began to support a community-based mental health system through community mental health centers.

But in this State, as vast as it is, and with the many very small communities, even the community mental health system, as understood in other places, becomes a system that is far removed from many of the citizens of Alaska—from many of the people who desperately need those services in very small and remote communities.

Finding the answers to how best to provide those services is a challenge to us, as it will be to you in your work. We look forward to hearing many of the suggestions that will come forward today and through the work of your committee.

We have provided information to you on one major project that we are undertaking this year at the initiative of a committee of our Senate which looked last year at the problem of suicide and suicide prevention, and that is a special grant program to try to help communities to support communities, address, and prevent the problem of suicide.

In this grant program we are hoping to form a partnership with communities. Instead of putting a pot of money to be bid for competitively, forcing communities to apply for a grant rider to help them, making it almost certain that only those communities with experience in dealing with bureaucracies will be successful; in this new program—with almost $1 million of funding—we are undertaking a new model in which we actually allow communities to come to us and indicate an interest in wanting to take action regarding prevention of suicide, and make available to them someone who is trained in community development, who understands the processes necessary for a community to begin to tackle these problems themselves, and to pull out of themselves their own solutions, and to help them pick through those solutions and bring them forward and ask for financial support.

This is a small grant program where we hope to make grants of $10,000 to $50,000 available during at least two funding cycles, and perhaps three, during this fiscal year, and to work cooperatively with communities to make this funding available to help them make the best use of it.

We are assured that we will have continued support in the next fiscal year for this program. We are at the very beginning. We can't provide you any information about how well it will work because we haven't even gotten the first round of grants out. But we will be monitoring it very closely, and hope that it will provide a model for our relationship with communities in other programs, as well.

Finally, to speak with regard to the Indian Child Welfare Act, I have had an opportunity to address your committee before with regard to the act and the need for amendment. In my prior testimony I stated that, while I am convinced that the act has been an effective tool in approving child welfare services to Alaska Natives and American Indians, it has certainly not accomplished all it needs to accomplish, and amendments are necessary.

In my testimony I indicate that I withhold full support for those amendments found in S. 1976 because I think it simply went too far. It had too many changes, and will make the full enforcement in the act in carrying out all of its purposes perhaps more difficult than any of us want. But that is not to say that I withhold support for some change.

In my written testimony I have identified two areas to particularly focus on today, and I will—as will others of my staff—be very much available to work with Mr. Taylor and others in the committee as you go through the process of continuing the work on amendments to the act as other areas come up. But I would like to speak to these two first.

The issue of jurisdiction, control, tribal courts, is obviously a very difficult one in this State, and one that I am certain you will hear much testimony about.

Governor Cooper has indicated to your committee through his general counsel, John Katz, that the State of Alaska can support and will support a change to the law which affirmatively recognizes that Alaska Native villages have the right to enjoy concurrent jurisdiction with the State in all cases.

As you undoubtedly know and will hear here, the Alaska Supreme Court and a Federal District Court in Alaska have both ruled that tribes in Alaska do not have the power to exercise jurisdiction in children's cases—notwithstanding the act—without having sought and obtained reassumption of jurisdiction from the Secretary of the Interior.

We in the State are very much aware of the difficulties involved in that process, and are very supportive of a change to the act which would make the acquisition of concurrent jurisdiction with the State a much, much simpler process—more of an automatic process—and one that would be very empowering to villages.

That will certainly not be all that you will hear some villages ask for today, but we think it would be a major step forward.

The other area that I would like to address is that of voluntary adoptions.

I have been, as you may know, an active participant in the implementation of the Indian Child Welfare Act almost since its passage. Immediately after I left law school in 1980 I came back to the State and began working for the Division of Family and Youth Services in a training position, and a major part of my responsibility was to provide training for employees of the State, as well as for tribal organizations and tribal villages all over the State, regarding the act.

It was apparent at the inception of the act, and it has become apparent through the passage of time, that in the area of voluntary adoptions the weakness of the act shows up most blatantly.

I have outlined in my written testimony practices which the State has adopted in its own adoptions practice, which I believe remedy many of the problems which are found in the act. Those are very much supported by decisions of the Alaska Supreme Court.

I would like to briefly run through those with you and recommend them to you for consideration as amendments to the act to either clarify what may already be in the law but not as clear as it should be, and perhaps in areas where there needs to be change.

Many of the decisions which are most offensive to members of tribes arise in cases where there is an unwed father. The act provides an unwed father who has not acknowledged or established his paternity is not entitled to be considered a parent for the purposes of the act. That meaning, obviously, that that unwed father does not enjoy all of the protections of the act.

While I won't comment on the basic policy choice made there, I do think that it is critical that, at the very least, the act spell out explicitly how one can acknowledge paternity, and if such an acknowledgement can be made very readily and very easily, and once made must be recognized by the court.

It also needs to explicitly give that right—which I believe should be a right in every case—of notice. Even an unwed father should have a right to be notified of the proceeding and have a right to come forward and acknowledge parenthood and, therefore, have all the rights of the parent with regard to the child.

That can be accomplished without significant delay which, of course, is always a consideration when we are dealing with very young children. It can be accomplished expeditiously, and it is a protection not only for that father, but a protection of a child's right to grow up with a relationship with both biological parents. If that right can be effectuated, it should be; if it can't be, notice will have assured us that it can't be.

In addition, in voluntary adoptions that tribal rights are less than clear in the act as it is presently written. The act provides that the tribe must be given notice in any case in which termination of parental rights is occurring. Termination of parental rights is a necessary condition, obviously, of all adoptions.

Sometimes it occurs prior to the adoption proceeding, itself, and the act does not explicitly provide for notice of the adoption proceeding separate from a termination of parental rights.

It is critically important, as has been recognized by the Alaska Supreme Court, that for a tribe to effectuate its interest in the appropriate placement, it must have notice of the proceeding. That is the only way that it can, in fact, be sure that the agency or person making the placement has acted in the interest of the child and the tribe.

It is the practice of the Department of Health and Social Services to send notice in every case in which a voluntary adoption is sent to the tribe. We do so at the time of the taking of the relinquishment from the parent—at the point in which the parent comes forward and says they wish to consent to the adoption of this child and give up this child for adoption. At that point we notify the tribe.

The act provides for the parent, at that proceeding, to indicate that the parent—most often the mother, but in some cases both parents—to indicate that they wish to have anonymity. They do not want their tribe or their family to know of this proceeding. It is the practice of our department—the policy of our department, perhaps not always the practice, although we try—it is our policy that in every case we inquire into the reasons the mother gives, and I believe that is an appropriate and legitimate inquiry that should be made by the agency participating in the adoption of a child.

In some cases those reasons are entirely legitimate. That mother may want to return to her village and live there and not want the stresses and pressures of having her child near her. She may want to continue to enjoy the benefit of her family. She may have been harmed within her family at some time in her life. There are many reasons a parent might legitimately make that choice.

But there are many cases where the parent is making that choice out of fear, out of misunderstanding, out of embarrassment—fear that her family would reject her if she made that choice—and with the help of appropriate counseling services she may well change that decision and reconsider it.

The decision to request anonymity should never be taken lightly, and it should be inquired into.

In those cases where the parent persists in requesting anonymity, the practice within our department is to still send notice, and we accomplish that notice by sending a notice which identifies only a court number. It does not provide any identifying information. It works very simply.

We send the notice to the tribe which says a child that may be a member of your tribe or may be eligible for membership in your tribe is being relinquished for adoption by the parent, and you have a right to intervene in that proceeding. If you want to do so, this is what you do. And it provides information about who the attorney handling the case is for the State, as well as the social worker.

Generally—and it says that the parent has specifically requested anonymity—typically in those cases we do not hear from tribes or from the regional organizations that represent the tribes. In those cases where we have—and I have personal knowledge of at least some of those instances—the interaction is generally, "What are you doing about placement?"—that is the primary interest. They ask how this came about, why the mother does not want anyone to know, and we provide that information to the tribe and explain the mother's reasons, as we understand them, and explain what it is we are doing about placement, and rely on the tribe to then make a good decision about whether to intervene.

In those cases, and in all the cases I am aware of, the tribe has chosen not to intervene. If it were to choose to intervene it would, of course, learn all the identifying information, and we inform parents of that at the time.

We think that is the proper balance. The tribes are able to recognize the sensitivities of these matters and to not intervene if not warranted, but certainly step in if they have some reason to believe that there is a need to step forward to protect the child in an appropriate placement.

I would urge the committee to consider this kind of practice being incorporated into the law more explicitly, perhaps, or some other version of it in order to protect this interest of tribes in being a part of the placement.

Finally, I have provided to the committee, as you requested, some additional information about the statistics.

When I testified before this committee in November, I said that you had heard testimony then about one version of the placement practices of Alaska based on our statistics. I presented yet another. I commented again in this response. Our data system is unbelievably bad. I can't describe how bad it is.

We have taken another shot at trying to get more information. We have pulled two or three staff members off to work almost full time in trying to get good information about placement practices. We learned a number of things. We learned some that are of great concern to us, and we learned some that give us some reason for hope. I am going to comment on the one that gives us some reason for hope that things are improving.

We have evaluated Alaska Native children in placement. More of those children are now placed in native homes than in non-native homes, and that has been true for at least the last 3 years, and there has been a steadily increasing rate of native children in native homes.

That does not mean to say, though, that there are not still many, many native children who are not placed for some time—or perhaps permanently—in a non-native home.

There are still children who are moved from their home village who would not need to be if we were able to improve our practice.

I know that today you will hear many complaints about our system, and many of them may be justified, either because of an individual person, or perhaps a policy which has not been well-enough thought through. All of that is true, but it is also true that the act has a positive effect, and I believe will continue to.

We in the State continue to work cooperatively with members of tribes and regional organizations in Alaska to try to develop State-tribal agreements for our State under the act, and to try to further improve our policy and our practice as it affects Alaska Native children.

While we have not done that as quickly as we'd like, the process, itself, is being helpful to us, and I am convinced that within the next year or two we will have agreements for many of our villages in our State, and that that will make another step forward, as will amendments to this act.

Thank you very much for being here and for your attention.

[Prepared statement of Ms. Munson appears in appendix.]

The CHAIRMAN. Thank you very much, Ms. Munson.

What are the official census statistics as far as the native population is concerned? How many native people do we have in Alaska?

Ms. MUNSON. The population is slightly over 500,000, and my recollection is that about 18 percent of Alaskans are Alaska Natives. There are people here who probably could correct me if I have gotten that wrong. It is a significant part of our population.

The CHAIRMAN. According to your report, from calendar year 1979 through May of 1988, 5,447 young Alaska Native children were sent to foster homes. That seems to be an exceedingly high number when one considers the small population. I don't think this is equaled anywhere else in the United States.

Can you tell me why there is such a large number of children that must be sent to foster homes?

Ms. MUNSON. I think there are a couple of reasons, and I can elaborate some on the number you just gave. It is not included in this report, in part, because we are still doing a lot of analysis trying to sort out exactly what it means, but one of the things we learned in the process of doing this is that if a family comes to the attention of the department—Family and Youth Services, our child welfare agency—the chances of being placed in care are twice as high if you are an Alaska Native as if you are not an Alaska Native. That is a totally unacceptable number.

There are two general reasons that we are hypothesizing may explain that. They don't justify it, but they may explain it.

One part of that explanation you pointed to when you spoke to the 20 times higher rate of suicide, alcoholism, and other mental health problems. All of those things obviously contribute to the problems that children may have which may justify placement out of home for some period of time. Those are problems which affect families in many ways, and they are symptoms of other problems which are occurring within the family.

The other reason—and we have just completed a project in the department to put in place a risk assessment tool. We had outside consultation in developing a new instrument for assessing risk to children of further abuse or neglect, depending on the action the department might take. It is one of only two validated samples for doing risk assessment at intake in the country, and we have just begun using it throughout the State.

In the course of doing that, being Alaska Native came forward clearly in the risk assessment as a risk factor. If a child was Alaska Native the chances of further harm seemed to be higher, and the chances of placement were much higher. One explanation, as the team of consultants we used helped work on that, was that—remember that we have Anchorage, Fairbanks, Juneau, and a few other cities, and then the rest of the State is very remote. And as you travel around the State you will see that remoteness for yourself.

We do not have a service delivery system sufficient to provide adequate services throughout the State, which means that a child in a village, where the problems become serious enough that the village reports to us—and typically, until the problems are very serious we will never hear about it, so we're talking about serious neglect, acting out behaviors on a child's part that are so serious the village can no longer cope, sexual abuse—very serious kinds of behaviors.

By the time we become aware of that, the chances the child will be removed from the family and placed some place else are dramatically increased because the system for service delivery isn't sufficient to respond and to protect the child and to work with the family in that community.

We think that is a factor. We know it is something we have to begin to change.

The **CHAIRMAN**. I have been advised that as part of the process of placing the child in a foster home, immediate steps should be taken to rehabilitate the family. I notice that there is some lacking there. Is my assessment correct?

Ms. **MUNSON**. I think you are absolutely right that there is something lacking there. I am not sure that it would be a correct assumption other than for the reasons I just laid out, that for many families they live in very remote places, and the services we have to offer are distinctly insufficient.

I think it would be incorrect to assume that it is a failing only for Alaska Natives children.

When I testified earlier before this committee I indicated that I think that if you were to look at our compliance with the Adoption Assistance Act—also an act designed to improve child welfare services for all children, regardless of their ethnicity, culture, race—that you would find many of the same failings.

If child welfare agencies, public and private, are not adequately supported—and tribal, let me emphasize—are not adequately supported, as they have not been, then the quality of child welfare services will be deficient, as they have been and will continue to be.

In our State, the Governor made a strong commitment, as did the legislature, to improve child welfare services and, for the first time in some years, we received a large increase to support moving toward having an adequate number of social workers. This year we will hire 24 more social workers. And we received support for additional funding in a number of areas that support children within their own families.

We think all of those things will begin to help, but there must be ongoing support.

The **Chairman**. According to your testimony, of the 5,447 native children who were placed in foster homes, 2,804 were placed in nonnative foster homes, and 2,643 were placed in native foster homes. Why is the ratio higher in the nonnative foster homes? In other parts of the United States, the opposite result obtains. Most of the Navajo children, for example, are placed in Navajo foster homes. Very few are placed in non-Indian foster homes.

Ms. **Munson**. When you aggregate the numbers you may reach that conclusion; but, in fact, as I think I mentioned, the one positive picture here—and maybe the only really positive picture—is that in each of the last 3 years, 4 out of the last 5 years, the rate of placement of native children in native foster homes as opposed to nonnative homes has increased. And the rate of increase is growing.

I refer you to the first of the charts in your packet of information where that is outlined. The small hatch-mark column is that of placement in native homes. This is the one area where we feel we have made the most progress.

Many of these native foster homes, incidentally, will be family members, and this does not represent additional placements of native children with family members where the family member is not receiving a foster care payment, nor does it represent children placed in receiving homes that are operated by native organizations.

So the placements in native homes, family members, foster care, and organizations has significantly improved.

The **Chairman**. I have been told that the State of Alaska is presently involved in a series of negotiations with Alaska Natives groups on the matter of this Indian Child Welfare Act. Can you apprise us of the present status of these negotiations? Have you resolved anything?

Ms. **Munson**. I think I can tell you the present status. We have been involved in negotiations for the last 2 years. I have been a participant in those negotiations from the beginning, first in my role as an assistant attorney general, and now in a supportive role as commissioner.

We are now at the point at which the tribal groups have, I have been told, received a draft. I believe they are receiving assistance from the American Association of Indian Affairs. They have received a draft. I believe they are planning to meet right after Labor Day to review that map, and it is my hope that they will then forward it to the State.

At this stage they have asked that it not be released to State officials so they can have an opportunity to fully review it and make whatever changes.

It is my hope that we will then have a meeting some time this late fall or early winter to go forward with trying to resolve whatever differences there may be from their draft to our committee to work on it.

The **Chairman**. I hope you will keep us apprised as to its progress, because if congressional action is necessary to implement it, we would like to be of assistance.

Ms. **Munson**. Thank you.

The **Chairman**. We have many other questions we would like to submit. Most of them are technical and statistical in nature. May we submit them to your office?

Ms. **Munson**. You certainly may. And from the process of your submitting them, perhaps we'll keep prodding at our statistical systems and get them to improve. I can't promise you good data, but we will keep trying.

The **Chairman**. Thank you very much.

Ms. **Munson**. Thank you.

The **Chairman**. We now have a panel consisting of Mitch Demientieff, president of the Tanana Chiefs Conference; Ms. Debra Tennyson, executive director of the Bristol Bay Native Association; and Ms. Ruth Willard, vice president, Tlingit and Haida Central Council.

If I mispronounced your names I am sorry.

STATEMENT OF MITCH DEMIENTIEFF, PRESIDENT, TANANA CHIEFS CONFERENCE, INC., FAIRBANKS, AK

Mr. **Demientieff**. Thank you, Senator. You did a good job on my name.

My name is Mitch Demientieff. I am the president of the Tanana Chiefs Conference, and we are a consortium of 43 interior Alaskan tribes.

I have a whole new appreciation for the power of the Senate today. I know we just left a luncheon meeting, and I know you were in the room when I left. I dashed over here. I rushed into the building. I was all sweaty. I got here and burst through the doors and there you are sitting cool, calm, and collected. I don't know how you got here before I did. I have a whole new appreciation.

In the interest of time, we do have a written statement. It is filed. I will not read that statement. I will, instead, cover a couple of items and accentuate a couple of items and give you some personal experiences I think may be helpful to you.

With regard to the tribal jurisdiction issue, the Supreme Court has ruled that when an action is initiated in a tribal court, that the tribal court has exclusive jurisdiction in that case.

The same thing can be said for the State. If the State files a matter in State court, then the State has exclusive jurisdiction.

I think it is important to note how that works. It is not very consistent, and I do not think it is a very good approach. I think that this can be resolved. It is interesting that we did want to resolve this jurisdictional issue in the negotiations with the State; however, the State was reluctant to address those items. I think we could have worked out an arrangement long ago that would lessen the need for legislative correction, and I think that is important to note.

It is very important for us that we have worked very effectively in trying to stop the removal of native children from native homes. I think it is all in the matter of the approach and how you look at it.

From my testimony you will note that we referred, in three recent cases in one of our villages, three sexual abuse cases. Two were reported to the tribe, and tribal court action was initiated. In those cases, the PCC family service workers assumed protective custody of the children. We provided counseling. We removed the perpetrator. We worked out a situation that really practically resolved the problem, and we left the children in their homes and provided safety for them.

In the third case, the State had jurisdiction—beat us to the courthouse on that particular case—and the child was promptly removed from the home.

So I think it is clearly in the manner of the approach that you use in how you want to solve these kind of Indian child welfare problems.

I would also like to share with you some personal experiences. I have nearly 15 years of experience in the tribal counsel in my home village in a variety of different capacities with the tribe. We were very active in litigation and problems.

About 5 years ago we resolved that we were not going to allow any more of our children to leave home, and we just resolved to do that. We began to work with the State, and we stopped the kids from leaving home.

We have been working very hard and very diligently to making sure that we have a hand in what is going on with those cases. I think it is just sheer effort on our part that made that happen. It was just an unwillingness for us to let that syndrome continue.

We think it has contributed very significantly to the mental health of our children. We noticed that the children that were removed from our village and were raised outside, when they did come back they had a lot of problems and a lot of hostility toward our community for letting them go, and a lot of problems because they were raised without too much knowledge of their culture. I think that is a contributing factor to a lot of the problems that we have here in Alaska.

So I just want to note that you can make it work, but you have to work very hard at it. We litigated a great many cases. We hardly have to litigate any more.

I think it is a tribute to the tribe that we have been able to do that, and persevere in these cases.

I know you have a lot of people that want to testify, and I thank you very much for the opportunity to speak with you today.

[Prepared statement of Mr. Demientieff appears in appendix.]

The CHAIRMAN. How many tribal units are there in Alaska?

Mr. DEMIENTIEFF. I am not sure. I believe there are around 200. We have 43 in the interior.

The CHAIRMAN. Of the 200, how many have tribal courts?

Mr. **Demientieff**. Again I'm not sure. Most of our villages in the interior have. That's what I do. I work for our 43 tribes. I'm not sure how many others have tribal courts, but we either have established tribal courts, or else the councils in the interior sit as the tribal courts for our cases.

I'm sorry, but I can't speak on a statewide basis.

The **Chairman**. Under the arrangement which you described, if you don't have a tribal court then the State would always exercise jurisdiction?

Mr. **Demientieff**. Yes; that would be my understanding. Yes.

The **Chairman**. Can anyone here give me any idea as to what percentage of Native Alaskans come under the jurisdiction of a tribal court?

Unidentified Speaker. The sovereign issue, basically is the power of God and self. And the State of Alaska——

The **Chairman**. No——

Unidentified Speaker. Pardon me, sir. Not to be biased toward the Indians in the room, sir. The true power is self.

First of all, Alaska Natives have been in existence——

The **Chairman**. I am well aware of——

Unidentified Speaker. Oh, OK.

The **Chairman**. I just want to know how many tribal courts are there.

Unidentified Speaker. There are roughly 325-plus tribal entities.

The **Chairman**. Thank you.

Unidentified Speaker. It is also a vital issue of the treaty session. Thank you.

[Second unidentified speaker, inaudible.]

The **Chairman**. Well, it just shows that if my committee is to do any definitive work, we will need information. The first basic information is how many Natives do we have here. I have been told there are approximately 90,000, but we will check this out.

I thank you very much, Mitch. I am not going to try to pronounce your last name.

Ms. Tennyson.

STATEMENT OF DEBORAH TENNYSON, EXECUTIVE DIRECTOR, BRISTOL BAY NATIVE ASSOCIATION, BRISTOL BAY, AK

Ms. **Tennyson**. Chairman Inouye and others of the committee and staff, my name is Deborah Tennyson. I am the executive director of the Bristol Bay Native Association.

We are a nonprofit, regional corporation located in southwest Alaska. We serve over 5,000 natives in 30 villages in an area about the size of the State of Ohio. Like many regions in the State, our villages are accessible only by airplane.

BBNA first became involved with the Indian Child Welfare Act in 1982 when we got an Indian child welfare grant for the first time from the BIA.

We serve as agent for most of our tribal villages, and have continued to work on ICWA matters with or without funding. This work has given me some insight into ICWA's practical value.

The first and most important insight, I think, is simply that the act is needed, and that, despite its many flaws, it works.

Making it work and dealing with the inconsistencies of the act can be very frustrating, however. BIA policy actually seems to be designed to keep ICWA programs from being effective.

The funding process puts tribes and tribal organizations in competition with one another. And the proposal format, funding criteria, and review process for applicants often show the same kind of bias which brought about the need for ICWA in the first place.

When BBNA first got our grant, the Bureau of Indian Affairs actually informed us that we could not explain the Indian Child Welfare Grant to our councils, we were told that we needed to provide social services alone.

We have consistently been told that ICWA funds cannot be used to provide attorney services; yet, court interventions are the one clear power Alaska Native villages now have under the act, and attorneys are required to appear in courts in the State of Alaska.

In the late 1970's and 1980's in the Bristol Bay area the State's provision of services for children was inept and chaotic. ICWA was not adhered to, and sometimes children were removed without any legal process at all.

Parents and tribes did not understand their rights and did not feel they can fight the system. Children almost always ended up in nonnative foster homes—sometimes out of the region, as far away as Anchorage. To this day there are children who became enmeshed in the system at that time and who have never seen their home village again.

The State would not work with the tribes at all at that time, and when they began complying with the notice provisions of ICWA, notices were sent not to the tribe, but to the regional for-profit corporation here in Anchorage.

The past 5 or 6 years have seen a marked improvement, and officials in the Department of Health and Social Services, including Commissioner Munson, deserve credit for their philosophic sympathy with the act and attempt to improve the department's compliance.

Our child welfare program has between 20 and 30 cases at any given time. We are routinely able to find suitable extended family placements when the State has failed to do so, and often have successfully challenged what the tribe feels are unwarranted removal of children in the first place.

Several times in the past year native children who were in State custody with lower-48 State organizations have actually been returned to tribal custody in our region and back with family in the region.

The improvement of services in Bristol Bay and for our children the last few years would not have been possible without the act.

My first conclusion is that whatever else may happen, Congress should not weaken the act. The hostile commentary that your committee has received from some people either came from those whose jobs are made more difficult by the act, or from those such as Secretary Hodel or Deputy Secretary Swimmer who do not apparently have the slightest idea of how children's cases work in the real world.

I urge the committee to adopt nothing that may weaken the act. The act needs, in fact, to be strengthened.

While ICWA compliance in Bristol Bay has improved, outside of the region we are inevitably met with resistance.

There is a white middle class bias throughout the court system, and once negotiation with the State has failed, there is little we can really do to enforce placement requirements.

While a tribe has the right to intervene in court, it is standard practice in Alaska for notices to be mailed to tribes weeks or even months after initial custody takes place. This means that a grandmother may be located close by, but until the notice to the tribe is sent out months later, they may not even know of the problem.

The amendment should require that notice be given to the tribe as soon as the petition for children in need of aid is filed.

Also, in terms of tribal notice, the BIA's performance of its responsibilities have been a disaster. When a tribe or location cannot be determined, tribal notice is supposed to be sent to the Secretary of the Interior, who is supposed to locate the tribe within 15 days. We have never received——

The CHAIRMAN. Locate the tribe? You mean we don't know where the tribes are located?

Ms. TENNYSON. When there is a child—this primarily occurs outside of the State. If California has a mom that gets into trouble she says she's from Alaska, if it's not clear what tribe, they are supposed to contact the Bureau of Indian Affairs that would help locate the tribe.

This is not working well at all. Last spring, as a matter of fact, the BIA's Sacramento Area Office gave up on its Juneau counterpart entirely and sent notices for the whole State to Bristol Bay Native Association. Not one of those cases belonged to us.

The act is weak in Alaska because of Alaska's Supreme Court decisions that hold that Alaska tribes have no jurisdiction to decide tribal cases and cannot have cases transferred to tribal court. At the very least, ICWA should be amended to make clear that tribes that wish to can exercise jurisdiction over children's cases.

The placement provisions should also be tightened so that State courts cannot find good cause to the contrary to avoid tribal placements whenever the State social worker asks them to.

One final comment concerns Secretary Hodel's characterizations of the proposed ICWA amendments as pure racism. Nothing could be further from the truth.

To a worker, the field is clear that the amendments were designed to clarify ambiguities in the act and to strengthen it in places where the experiences of the last 10 years have shown it inadequate to fulfill its purpose.

While perhaps not perfect, the proposed amendments are a good place to start if Congress truly wants to make the Indian Child Welfare Act work for Native Americans.

Thank you.

[Prepared statement of Ms. Tennyson appears in appendix.]

The CHAIRMAN. Do you believe that the present ratio on native foster home placement vis-a-vis nonnative foster home placement is satisfactory?

Ms. **Tennyson.** No: it is completely unacceptable, and I'm not sure that it is warranted.

I think in part, in our area—in rural Alaska—there is a real problem in licensing foster homes. Again, there is an argument for letting the tribe license its own foster homes and having the State recognize those.

The process for becoming a foster home is difficult to many of our people. The paperwork is cumbersome, and in early years the requirements to be a foster home made a lot of native homes unacceptable. They wanted plumbing. They wanted electricity. They wanted private bedrooms for the kids. They wanted things that our families weren't able to produce.

In some cases they were put off by the format with a long list of questions that I suppose you'd have to be an expert parent or somebody who has spent a lot of time watching morning talk shows to answer. They were questions about a variety of child-rearing practices that were probably not even translatable to some of our native languages.

There needs to be more foster homes in the villages. I think our experience is that when the State does not become involved, the tribe makes those decisions. And though there are a lot of kids in foster care, it is harder to measure the number of kids that have problems and family difficulties and placements have been made without ever notifying the State, just within the village.

The **Chairman.** Is there any agency that monitors the placement after it is made?

Ms. **Tennyson.** Supposedly the State, I guess.

The **Chairman.** Do you have any information as to whether the native foster home does just as well or better than non-native foster homes?

Ms. **Tennyson.** Not really. Though, in our region, with 30 villages, there are only a few native foster homes. You are looking at three or four. They get a lot of kids.

The **Chairman.** Have they done all right?

Ms. **Tennyson.** They've done fine. In our region we have worked very hard with the State social services. It is a lot easier to get kids back to the original home and to the preferred ICWA place in an extended family.

Our real problems come in a place like Anchorage where it is difficult to get kids back to the village.

That time gap I was talking about means that the judge then finds good cause to the contrary in saying things like they've bonded with this foster family and they are happier here, and they always find a reason not to send them back after 3 or 4 months to the village. That is the real difficulty for those kids.

They often resist turning them back to their parents. We have had cases in Anchorage here where the State social workers have said that Mom doesn't have a crib for the 3-year-old, and therefore she's not going to be an adequate parent. There are a lot of cultural biases that have kept families apart.

The **Chairman.** I thank you very much, Ms. Tennyson.

Ms. Willard.

STATEMENT OF RUTH WILLARD, DELEGATE, TLINGIT AND HAIDA CENTRAL COUNCIL, JUNEAU, AK, SPEAKING ON BEHALF OF BERTHA CAVANAUGH, SECOND VICE PRESIDENT, TLINGIT AND HAIDA CENTRAL COUNCIL

Ms. **WILLARD**. Mr. Senator, Bertha Cavanaugh was not able to be here today because of weather. I am Ruth Willard, delegate to the assembly, so they asked me to deliver her testimony.

Greetings. My name is Bertha Cavanaugh and I am the second vice president of the Tlingit and Haida Central Council of Tlingit and Haida Indian Tribes of Alaska.

The Central Council of Tlingit and Haida Indian Tribes of Alaska is a federally recognized tribe, and has an enrollment of over 16,000 members. Our tribal members reside throughout all areas of Alaska, across the continental United States, in Canada, and in Europe.

The central council is also a nonprofit tribal agency which has an Indian Child Welfare Program in its Human Services Department.

Our current ICWA budget is $118,000. As of July 1988, the tribe had 505 active Indian Child Welfare cases. This budget does not begin to meet the demand for assistance in ICWA cases.

The average caseload for our tribal ICWA caseworker would be 100 cases. This total includes one-third of cases which are initiated out of State, and one-third of our cases which are out of the southeast Alaska region.

By "active," we mean children who remain in State custody whose parents cannot have the child returned to his or her legal custody on demand.

We work closely with the States in many of these cases; however, we are unable to work as closely as we would like with States on all cases.

We believe in the Indian Child Welfare Act because it protects our rights in relationship to our children, and we appreciate having this opportunity to speak to you about the Alaska situation.

We wish to respond to the testimony provided by Interior Secretary Donald Hodel and Ross Swimmer.

Swimmer says in a voluntary placement that the "best interests of the child" may very well be with the family chosen by the Indian parents. He recommended individual rights of parents be considered.

In our experience, there has been an abuse in the State of Alaska of voluntary placement agreements, and confusion between what constitutes a voluntary placement agreement and what constitutes a stipulation—involuntary agreement. A veiled threat to "sign this agreement or you will have to go to court" is not uncommon. Most parents do not want to go to court because they are so fearful of the court system that they will do almost anything to avoid it.

Once a native parent relinquishes, the tribe must be able to assert its rights. They no longer have a say due to their own personal choice. Their rights have been terminated. Since they have given up their right to be notified of further proceedings, the tribe asserts its rights. The tribe's right to be notified has not been relinquished.

Regarding the second issue, tribal jurisdiction should be based on its membership to the tribe, which is based on voluntary enrollment.

The Tlingit and Haida Central Council has a large proportion of its enrolled members living outside of the consortium area of southeast Alaska, and one-third of our ICWA caseload is from out of State. We have a great interest in protecting the best interest of Tlingit and Haida children and their families who are outside of Alaska.

Our rights to assert jurisdiction in involuntary child custody proceedings located out of region and out of State must be protected.

The Tlingit and Haida Tribes do not subordinate the best interests of native children to the jurisdiction of the tribe, nor do we advocate open adoptions in every instance. Open adoptions are supported only when biological parents and adoptive family, the tribe, and the court are in agreement that it is appropriate.

Tlingit and Haida Central Council has tribal members who reside in Canada, and many Tlingit and Haida tribal members travel back and forth between Canada and Alaska for employment, political, and social purposes.

By virtue of the fact that there are Canadian Tlingits and Haidas does not mean that we relinquish interest and responsibilities to our Canadian trial members. Our relationship to all our tribal members is more than just political, it is also cultural.

Tlingit and Haida Central Council is a Federally-recognized tribe by the U.S. Government.

Mr. Swimmer and Donald Hodel strongly oppose the expansion of the definition of "Indian tribe" and "Indian child," yet they recommend that the definition not only include membership requirements, but also that the domicile of the birth parent or parents be in Indian Country.

Tribes ultimately determine their own enrollment criteria which defines, for their tribe, who is an Indian child.

Tlingit and Haida Central Council needs to protect the rights of those native children and their families who are domiciled in urban areas and villages not listed under ANCSA.

The tribes have tribal members who are domiciled in: Petersburg, Wrangell, Ketchikan, Anchorage, Fairbanks, Tenakee Springs, Pelican, Skagway, Seattle, Portland, and anywhere they reside out of State.

The central council feels that the urban and village communities left off the ANCSA rolls should be included in the ICWA amendments for ICWA purposes.

The noble arguments stated by Swimmer are completely negated by his concluding remarks which reduces his concern to the "best interests of native children" to dollars and cents, as always.

The ICWA amendments and the law, itself, are not racist legislation. Native children have a right to their culture, just as tribes should have the right to actively participate in the decisions which affect the integrity of tribes and families.

Since passage of ICWA in 1978, tribes have suffered because of inadequate appropriations of program funds accompanying the passage of the act. Only 5 of in excess of 200 Alaska tribes have ICWA grants, and those grants are not large enough to cover all ICWA cases for those tribes.

Although ICWA protects tribes' interests in child custody cases, lack of adequate funding hinders our ability to provide the kinds of services we would like to provide to our children and their families.

Implementation of ICWA and the efforts by tribes to monitor State compliance with the minimum requirements are thwarted when we are not allowed to participate in case planning.

For example, in a case in which a mother was borderline mentally retarded and considered by the State to adequately care for her child, the State obtained a voluntary relinquishment of that mother's rights to her child. At the hearing, however, the State provided expert witness testimony that although she was not competent to care for her child, she was competent to relinquish her parental rights voluntarily.

In another instance, native parents are not afforded the same treatment services as non-native parents. A specific example from Southeast is one in which a non-native parent of Native children was sent to a 60-day treatment program, Reflections, in Anchorage, and another native mother who wanted to attend Reflections was sent to the 28-day ATS Program at Mount Edgecumbe. The native woman requested the 60-day treatment before the non-native woman, but was told the funds were not available for this.

State judges, State social workers, and attorneys should receive training specific to ICWA and cultural awareness in order to work with families and on Indian Child Welfare cases.

The way ICWA works now—or at least in Southeastern—few judges, social workers, and attorneys are knowledgeable about ICWA, or as knowledgeable as we wish them to be.

Indian Child Welfare Act is not the law of the land in Alaska. In some areas it is strictly adhered to; in others, it is not worth the paper it is written on.

State compliance to ICWA in Alaska could be improved through increased funding to the State and to tribes.

Lack of adequate funding has a direct negative impact on providing appropriate services to clients. For example, it is very difficult to persuade the State to provide services to children in State custody and their families, and it becomes more so every year.

The State continues to remove native children from their homes, and yet is unable to provide appropriate reunification services. The State consistently fails to meet the requirements of making active efforts to reunify families. Native children remain in State custody longer than necessary.

In Alaska, the State social workers do not provide direct service to clients in spite of a requirement of a bachelor's degree. Counseling and supportive services to clients are contracted out to private providers.

In the ABC report aired in Juneau on August 30, 1988—"Crimes Against Children"—the program was very critical of States in general, and, at one point, showed the Committee on Children as being very critical of the U.S. Department of Health and Human Services.

Lack of monitoring by the Department of Health and Human Services and the BIA of the State's implementation of the law, as well as the uneven implementation of the law, has been problematic.

The Indian Child Welfare Act has had a dramatic impact for tribes in Alaska in spite of problems in it, and lack of adequate funding to administer the ICWA programs, and we see progress due to hard work and commitment by tribes.

We strongly recommend the U.S. Government continue this program with expanded funding, and that the ICWA amendments be supported to strengthen this very important law.

Additional funding is absolutely critical to protecting the rights of native children and their families under the law, and are listed in order of priority: one, tribally operated ICWA programs; two, funding for regional Indian Child Welfare offices within the State of Alaska, Department of Health and Social Services; three, funding to develop a Statewide ICWA model agreement and for the implementation of the agreement; four, funding for services necessary to implement ICWA.

Thank you for the opportunity to testify today.

[Prepared statement of Ms. Cavanaugh appears in appendix.]

The CHAIRMAN. Thank you very much, Ms. Willard.

In studying the testimony that we have received from witnesses, I get the impression that all of the Native peoples of Alaska believe that native children should come under the jurisdiction of the tribe or the tribal court——

[Applause.]

The CHAIRMAN. The question that I will be asking all native witnesses is: why do you believe native courts or the tribe or the council should have jurisdiction over the native child? Is it better for the native child to be left in the native environment, or better to come into the big city of Anchorage and live with a non-native parent?

This is for the record, all of you have been suggesting that your tribes, your courts, your council should have jurisdiction over the native child, or should be involved in the placement of the child. My question is: Why?

Mr. DEMIENTIEFF. Thank you, Mr. Chairman.

I think it is a very good question, and a very legitimate question.

I think that one of the things that we have to observe is that the easiest way to break down a culture is to remove the recruitment for the learning. And I think that we have seen that in my hometown in recent years.

We have a form of singing that embodies our entire culture, and what happened was that there began to be a difference. There was no younger recruitment into that singing group, and the reason was that all of the younger people were off going to school, some of them were removed entirely from the community to Fairbanks, and there was just no young recruitment into that kind of knowledgeable group of people who know about our culture.

Recently we began to overcome that, and we began to modernize our learning techniques so that there are younger people who are learning these very important cultural values.

Once they do understand these cultural values, then we know that we, as a people, are going to continue on because our culture has been successfully passed on to our youth.

The way to break that down is just to flip-flop that, to stop young people from having an opportunity to learn about their culture.

And I think that fundamentally the importance of the people is the most important reason for us to have jurisdiction in the affairs of our youth.

The **CHAIRMAN**. So your belief is that the children should remain in the village to perpetuate the culture?

Mr. **DEMIENTIEFF**. Yes, sir.

The **CHAIRMAN**. Ms. Tennyson.

Ms. **TENNYSON**. I guess one response to that is that when you take away a child from the village or the tribe—or from his mother and father in that particular community—you are not taking a child away from just those parents, you are taking him away from a large extended family. And that culturally is very different from a family here in Anchorage that is nonnative.

The whole problem of Indian children being uprooted from the home that prompted ICWA to be written in the first place are supported here. To take a child and say that he would be better off here in Anchorage with a rich family is saying that his culture was wrong, and the things he was taught were wrong, and that what he needs are skills to survive in shopping malls and to learn to order Big Macs rather than to hunt and trap with his family.

I think that the punishment is being meted out to the children if they are doing that, and not to the parents for erring in their parenting skills.

The **CHAIRMAN**. Ms. Willard, would you like to add to this?

Ms. **WILLARD**. Mine would be in a different area.

I believe the tribal courts would have a better understanding of what the needs of the family and the child would be.

The **CHAIRMAN**. I am asking these questions because recently one of the major networks of the United States aired a documentary on this issue, and I think the thrust of that program was that the insistence on the part of Indian nations and tribes in retaining the child may not be the proper thing to do. So I wanted to know why you people think that you should have the power to retain the child.

I thank you very much. Your words will be studied very carefully.

Our next panel consists of Mr. Mike Albert, representative of the Tunnunak Tribal Council; Mr. David Charlie, vice president of the Tooksauk Bay Health Corporation; Mr. Hank Ostrosky, representative of the Atmautluak Tribal Council of Bethel, Alaska; and Ms. Desa Jacobson of Anchorage.

Mr. Albert.

STATEMENT OF MIKE ALBERT, REPRESENTATIVE, TUNNUNAK TRIBAL COUNCIL, TUNNUNAK, AK

Mr. **ALBERT**. First of all, Mr. Senator, I would like to thank you very much for this opportunity.

I would like to introduce myself. My name is Michael Albert. I am a Yupik Eskimo. I am 62 years old today. I was born before all this entire way of living ever existed, so on account of that, a lot of these things that exist today I am not familiar with—including all the others in my home village.

We have been led to the outside way of life ever since 1958 when the State of Alaska was a territory. We find out that Alaska became a State by vote from the people outside of Alaska—people that came here to reside in the State, which is normally Anchorage and Fairbanks.

But our people, the owners of the land, were never consented. So that's how it went in 1959.

Another thing—most important, too—in 1971 we found out that the Federal Government enacted the Alaska Native Settlement Act. That had all kinds of provisions—provisions that would terminate all the native things in Alaska—and we had no idea how to solve all these problems.

Today we have a little bit of knowledge. That is why we are all here. It cost me a lot of money to come here to Anchorage, but I am willing to pay for it in order to let you people know just exactly what I need.

Mr. Senator, first of all I'd like you to understand that I am a man in my house in my own village with the responsibility to take care of my wife and my children and their needs. Same as you, Mr. Senator. In your home, you are responsible to take care of your wife, your children, and your needs. Same with everybody else in the whole courthouse right here. That is all of our responsibility. It is clearly understood.

I have information right here that I would like to read, and I'm going to ask Senator Inouye to give me permission and give me time so that I can read what I would like to present.

First of all, on this land rights, human rights, and genocide of native people of Alaska, I'd like to clarify this.

On December 14, 1948, the United States signed a treaty—international treaty—on the prevention of genocide and human rights. And today I am depending on those laws which the internationals have signed.

To date, ever since 1986, that is under the United States law, too, because President Reagan has also signed it. So it is a law in the United States and that is also this part of Alaska.

What I'd like to read is that since time immemorial the native people of the great land of Alaska have lived according to a tradition we have liked, one with the land and sea.

Today the BIA recognizes approximately 80,000 Alaska Native people. Even this conservative estimate is seen as invalid by many native people because it includes new children born after 1971.

It means that Alaska Natives comprise nearly 20 percent of the entire population of the State of Alaska. There are many Indian nations in the State of Alaska. These nations are made up of tribes—each has their traditional form of self-government based on the leadership of the traditional ways.

Facts about land rights in Alaska is something that we really have to discuss and we'd like to find out, too. I'd like to be understood, especially by the Senate.

The majority of native people of Alaska were never informed or consulted about the laws passed affecting their land rights, and never gave their consent to such laws, including the Treaty of 1867, the Indian Allotment Act of 1906, the Alaska Statehood of 1958, and the Alaska Native Claim Settlement Act of 1971.

Lack of concern for a traditional Native people invalidates every one of these laws and acts.

Alaska Native people have never made any treaty or other agreement with the U.S. Government sealing any of the traditional land rights.

In the treaty signed between the United States and Russia in 1867 the United States purchased all the trading rights in Alaska—not Alaska, itself—since Russia never owned it in the first place. They never owned it.

The native people of Alaska, therefore, continue to have legal right and jurisdiction to all the land and resources and continue to assert their right and duty to protect this land for future generations.

This is what we really believe. Like I told you, I am an elder. I was born in my own village. Today I am 62 years old, and I am a native. I don't have a good knowledge in speaking good English language, because in my time, when I went to school, there was no graduation in those days, and no articulator for high school.

The time when I quit school I wasn't able to speak nor understand English. But the only time I learned and taught myself is by reading, and the time in 1945 when I went down to Frisco Bay and met all kinds of people that did not speak my language. That is where I learned.

Now I'd like to talk about natural resources in Alaska. The first nonnatives who came to Alaska were Russian trappers attracted by fur trade and Americans came in search of gold.

Alaska is blessed with an abundance of natural resources, including: coal, oil, natural gas, timber, fish, silver, platinum, and water. Most natural energy interests have become deeply involved in exploitation of coal.

The Red Duck Coal Field alone in Alaska is estimated to be worth $88 trillion. That's very hard to believe. But I find out it is true. Where did all the money go? All that money went to the Congress and to the State of Alaska, not me. I am supposed to get part of that money as a Yupik in my own land.

I'd like you to clearly understand. What I really mean is that I am a Yupik. I was born and lived almost 62 years in my home village. Today I came here to Anchorage just in order to let you people know what my concerns are as a Yupik.

Now, since the Alaska Native Claim Settlement Act was enacted in 1971, that's where all the real problems existed to the native people in Alaska. The Alaska Native Claims Settlement Act was passed in 1971 through the efforts of mostly national oil interests as a means of settling things with the people. They wanted protection of their land—water and fishing and hunting rights—from further encroachments. But it was presented to Alaska Natives as a means to protect their rights, and, in reality, it contains provisions which attempt to strip Alaska Native people of their sovereignty, land rights, way of life, and continued existence.

Now, we know that under the word "treaty" there is a law that has existed—Genocide Treaty. The genocide means that you kill somebody, or you stop people from doing this and that any more and you do that, which is genocide. That treaty was finally signed by the U.S. Government in 1986—2 years ago—so today it is under the U.S. law—Genocide Treaty.

However, under this Alaska Native Claims Settlement Act, my woman—I am a Native Alaska Native—my woman can have a child of her own, and she is my woman, but the problem is that he was born after 1971, which means that he doesn't belong to me.

Under that provision, of course, there was an amendment into the law that you have a right. But then the most important thing is that you have no right whatsoever for land holding. That is a big problem. After 1991 you have a right to sell all your land or whatever.

And the most part of the land, if it is owned by western people, we have a right to claim it until there is no more hunting or fishing.

All these problems have been recognized by the native people of Alaska finally not too long ago. So therefore today we are trying to succeed through all these problems.

Every single village in my home area is working to succeed from all these problems. I would like this to be understood by the Senate and by the people in Alaska.

Thank you very much.

The **Chairman**. Thank you very much, Mr. Albert.

I should tell you very honestly that I did not interrupt your statement, although you did not touch the subject of the Indian Child Welfare Act, because you travelled long distances at great expense. But we have, believe it or not, 50 witnesses waiting to testify. I hope that all of you will have some consideration for your fellow Alaskans. I do not mind sitting here.

Furthermore, we notified the health care service people that they would begin testifying at 2:30, so after this panel is completed I will go off to the first panel on the health care services, and then for panel four and five, if they wish, I will come back after supper to listen to you.

Mr. **Albert**. Mr. Senator, we have tried to provide——

The **Chairman**. So I would hope that all of you will show some consideration for your fellow Alaskans and keep it within reason. I am not going to say 5 minutes or 10 minutes.

Mr. **Albert**. As the tribal government we have our own courts in our village. We try people, and so forth.

The **Chairman**. I am certain you do, sir.

Mr. **Albert**. So we are really operating under our own Native government.

The **Chairman**. Our next witness is Mr. Charlie.

STATEMENT OF DAVID CHARLIE, VICE PRESIDENT, TOOKSAUK BAY TRADITIONAL COUNCIL, TOOKSAUK BAY, AK

Mr. **Charlie**. Mr. Senator, thank you for providing the opportunity for me to speak today.

My name is David Charlie, and I am an educator. And also I am a vice president for the Tooksauk Bay Traditional Council. My elder beside me is living proof of my culture. His name is Billy Lincoln. I don't know if he has any statement to make. I brought him with me for my moral support.

The **Chairman**. You are welcome, sir.

Mr. **Charlie**. Our presentation is on outsiders, specifically: How do some State agencies affect our communities?

If I may, I would like to talk about five State agencies. Unfortunately, the first one is the Department of Social Services.

Our concern with Social Services is that they make decisions about youth, their families, and communities which will affect them for the rest of their lives. In making their decision, they don't know or even consider the cultural aspect.

This is partly due to their lack of knowledge of our culture, and partly due to their unwillingness to learn, accept, and respect our cultural values, beliefs, customs, and traditions. Many of these people are insensitive.

In some cases they have taken a youth from their home, out of their village, and placed this youth in another home in another village. By doing this, they have added more emotional stress to the youth already in a stressful situation.

They have taken the security of the extended family away, they have taken the youth out of school and have him or her transferred to another school away from the youth's friends and peers. This youth is now placed in a strange family in another strange village, into another strange school, with the possible contact of a phone call from a social worker once in a while to see how the youth is doing.

How can the healing process so necessary to their survival begin to take place when there is a separation? This is not logical. What message is Social Services giving our youth? Especially in cases where the youth is allowed no verbal or written contact with his or her parents, no visitation privileges—even a criminal has these rights.

In our culture the family unit is considered our life, strength, our survival. When there is a problem, the nuclear and extended family join together to support and work with the youth and family members in the healing process. Even the community is involved in some supportive and positive way, and especially our elders, through traditional counseling, role modeling, and through their prayers.

Another issue that we have been facing against the State of Alaska—primarily Social Services—is about Eskimo adoption.

Our next concern has been Social Services' attitude pertaining to Eskimo adoption. Some Social Services do not approve of this form of adoption which has been taking place since our beginning. The social worker does not like the idea that the natural parent can decide to whom they would like their child to be raised by. The social workers do not like having an adoptive parent come to them after any period of time and ask them to make the adoption legal.

Isn't this part of the social worker's job to legalize adoptions?

We, as the natural parents of the child, care for that child very much, love that child so much that we have decided that in the best interest of the child it would be better for the child to be adopted to another family. When we give the child to a family, we have considered that adopting family very carefully.

To give one of our children to another family is something that we have considered very seriously, and for a long period of time. An adopted child is considered someone very special. This child is loved the same as all the children in the family, but in many ways they are spoiled more.

All children are considered a gift from God, but an adopted child is considered a very special gift from God and that adopted child is very precious.

My last group of people are educators—teachers, principals. Educators affect our youth in the community daily. Many times educators are there for the money, some experiences to write home about, or they couldn't get hired anywhere else.

Unfortunately, many of these educators really don't care what the youth learns or doesn't learn. There are a few teachers who grab a body, offer a few suggestions, and that is the end of it because these suggestions are not brought to the community.

If I may direct you to the last page, it lists the problems and solutions we are suggesting.

The **Chairman**. That will be made part of the record, sir.

Mr. **Charlie**. Social Services, who are they? Social Services; State Troopers; Public Health Services; Yukon Kuskokwim Health Corporation, known as YKHC; Educators, and; nonnatives.

What do they do in our villages? They come into our village and expect us to accept their opinions, Western Society, Western culture, Western practices, and their standards.

These people assume we are uneducated, and therefore uncivilized. Their way is the only acceptable way. They make decisions which affect us individually, as a family, as a community, and as a cultural entity.

How can we solve these problems? Six months of intensive studying with elders, traditional council of the community they serve. Six months working with a culturally certified State and Federal employee for the department you will be working in, along with elders, traditional councils of the community you will be working with. One year probation with final approval of elders, traditional council, and agency you will be working for. Recertification every 5 years. Educators, when newly hired to the district, when arriving, should have a cultural awareness workshop given by the regional school board and elders, and the Native certified teachers. Once arriving at the site, community elders to address specific cultural traditions, customs, values, belief, etc. This would be an ongoing process.

We are simply asking these outside State agencies to please look at us, listen to us, learn, and most of all respect our culture.

Thank you very much.

[Prepared statement of Mr. Charlie appears in appendix.]

The **Chairman**. Thank you very much, Mr. Charlie. Your words will be very carefully considered, I assure you.

As far as you are concerned, the best interest of the child will be served if he is placed in his own family or in a Native foster home?

Mr. **Charlie**. Yes.

The **Chairman**. Our next witness is Mr. Ostrosky.

STATEMENT OF HANK OSTROSKY, AGENT BY RESOLUTION, ATMAUTLUAK TRIBAL COUNCIL, ATMAUTLUAK, AK

Mr. **Ostrosky**. Senator Inouye, I have here some information I would like to present to this committee. My oral statement will be brief.

The **Chairman**. Your statement will be received and made part of the record.

Mr. **Ostrosky**. Thank you.

The inventory of the packet I just handed you consists of: the oral statement of the testimony of the Atmautluak elders; the Atmautluak Sovereign Jurisdiction Resolution 86-05; Kasigluk Elders Conference on the Compact of Free Association Resolution; Atmautluak tribal resolutions; correspondence to Christina Bach, Senator Inouye, Governor Shefield, and Governor Cooper; sample of Atmautluak traditional elders tribal court decisions; and subsistence economic systems definition.

I would like to correct the agenda here. I am not a representative. I am an agent by resolution to the Atmautluak Tribal Council, which has no affiliation with Bethel.

The questions you were asking in your opening statement concerning the number of courts in Alaska, and specifically within the Yupik regional area; we have two complete functioning courts based on traditional tribal structures and procedures. I would like, at this time, with the permission of the Senator, to turn this part of the oral testimony to be done in Yupik with translations so that you may know that the elders that are represented here can be heard and concur with the printed enclosures accompanying the statement.

They have already taken most of the problems that you have enunciated here, and through self and local determinations from their tribal experience and cultural configurations have implemented their full tribal authority, and are now functioning as the only court of competent jurisdiction within that area as defined by their Resolution 86-05.

With that I would like, with your permission, to introduce Mr. Irving Brink, who is chairman of the Kasigluk Conference on the Compact of Free Association, in which 14 villages participated. The outcome of that conference, when all the issues were enunciated concerning health and child welfare, was the determination by the Kasigluk Conference to seek the full implementation of their Sovereignty through the Compacts of Free Association. Public Law 99-239, January 14, 1986.

We are asking the Senator's indulgence, as well as support for the compact as a means of solving the problems for the United States and the traditional councils within the Yupik sovereign jurisdiction in Alaska.

[Prepared statement of the Atmautluak Traditional Council submitted by Mr. Ostrosky appears in appendix.]

The **Chairman**. Are you complete, sir?

Mr. **Ostrosky**. Yes; I went away from my prepared oral presentation because I could see that it was going to be too long, and I didn't want to over-encumber the Senator's time because I think the Senator is well aware of the issues that are brought up in the oral statement, as well as the documentation, and we look forward to your visit to Bethel—you will notice that there is a letter to you dated January 18, 1988 in which we extended the invitation of the Atmautluak elders to visit Atmautluak. Atmautluak is only 14 miles from Bethel as the crow flies, but 59 miles by boat. If you are in Bethel, we'd like to re-extend that invitation to you to fly over to Atmautluak and visit with the elders.

The CHAIRMAN. If time permits I will be there, sir. I thank you for the invitation.

Ms. Jacobson.

STATEMENT OF DESA JACOBSON, ANCHORAGE, AK

Ms. JACOBSON. Thank you, Senator Inouye.

In light of the fact that you have a lot of witnesses and a large volume of testimony, I am going to give my brief statement. I shall read it in its entirety for the simple reason that we have waited a long time for you to get here.

Thank you and good afternoon. Hon. Senator Inouye, members of the Select Committee, staff, and visiting dignitaries, welcome to the Arctic.

Distinguished elders, sovereign indigenous women and children of the Arctic, sovereign indigenous people of the world, we come before you not as officials of any government or statesmen or diplomats. We are not politicians, nor do we speak the king's English. We do not mean this disrespectfully, but sometimes we are thankful that we are not lawyers.

We are sovereign indigenous women of the Arctic who assert that basic, sacred, fundamental human rights are not negotiable. We are ordinary people who have come to understand our right to be recognized, our right to human dignity.

We are the women who work for social change through non-violence and sober participation. Based on the teaching of the most powerful, nonviolent form of protest, we have initiated successful boycotts of businesses owned by cocaine dealers and others who have harmed our communities. We have campaigned against inhuman housing conditions, marched against Apartheid, fasted for social justice and to end violence against women and children.

We responded to the victims of Chernobyl, initiated a safety program for our women on the avenue, and worked with victims of violence and child sexual abuse.

Once we introduced a resolution that would safekeep our land forever. The men on the tribal council were hesitant on its passage until we told them that we are going home to tell all the women not to sleep with them any more. [Laughter.]

I have chosen to speak on the Indian Child Welfare Act. No matter which topic anyone discusses, it all points to only one crucial issue: the land and our children.

Whenever one of our children is under State custody or the mothers receive welfare payments, the father is required to pay monetary child support payment, although he lives on a subsistence economy. Whenever payments are not made, the State attaches the dividends in a Native corporation and holds it in trust.

The Indian Child Welfare Act is designed for one purpose: to protect our children. Our children.

I speak before you today not only as the mother of three children, but a grandmother of two. Four such children lived with their natural parents in the dwellings depicted in the photographs in these files. These converted 8′ x 30′ freezer bins have only one entrance. The heating unit is by the doorway. The wiring is hazardous. The only means of escape is a 15″ x 20″ window in the back.

There is no running water or toilet facilities. Raw, open sewage covers the area where the children play. There are no building or fire codes.

We asked the manager who owned the freezer bins, and he replied, "Teachers." One of these children was a pupil of one of these teachers. Three years ago this 12-year-old child left with several other youngsters his own age to go moose hunting. They stopped at their family fish camps for supplies and to rest.

After a successful catch of small animals, these young boys would bring their respective parents and grandparents the meat.

After two days the parents began to wonder how long they would stay gone. They called the city and State police and reported them missing a day later. Twelve days later the parents contacted the police again begging them to please help them find their children. No one responded. Finally, a friend took his own plane out and returned with the boys 45 minutes later.

A day later the boy was picked up by the police and was charged with running away, breaking and entering, and theft. He was placed under State custody in a group home where he has been for 2½ years.

The other children, two of which were still in diapers, live with their mother, father, grandfather, and a 6-year-old sister in the other freezer bin. The father had a serious problem with alcohol.

One Fourth of July the city police brought the infant to my door. This baby was dripping wet with urine, wrapped only in an American flag. The officer was going to simply go on his way after dropping the baby off with us. The family's immediate situation was critical, so we urged this officer to place the child with those who had adequate facilities and means to provide the care required in this situation.

The father was jailed and charged. All of the children were taken into State custody, where they have been ever since.

You will be visiting this group home, Senator Inouye, where you can see these children and other children like them. You will also tour another facility that houses older children. Next to that is the State prison where the fathers, grandfathers, and brothers of those children are incarcerated.

If you ask them anything, ask them how long they have lived apart from their families, from their mothers, from their villages.

In closing, we mention two Native women with children who have the custodianship of the children's stock in a native corporation. The custodianship was given to the non-native parent without the knowledge and consent of the mothers. There were no hearings held or due process allowed. All correspondence just stopped coming.

We realize that there are hundreds of such cases like these. We only mention these few cases based on the question of how bad does it have to get before we have had enough to say no. It is as though we have been amended, broken, leased, sold, bought, and are soon to be legislated from our own children through amendments known to us as "The Final Resolution"—all of this without our knowledge and without our consent.

Therefore, Senator Inouye, we are pleading with you on our knees to urge Senator Claiborne Pell to begin the hearings on genocide against the Yupik people. We urge this not for the sake of hate or revenge, but justice and human dignity; not based on emotionalism, but reality and true document; not for the sake of nationalism or separatism, but for human rights and basic freedoms. This we ask for all our relations.

Thank you, my friend.

Respectfully submitted.

The CHAIRMAN. I thank you very much.

As I announced earlier, for the next two panels I would like to propose the following: we have set aside room 142 if you wish to meet with Mr. Pete Taylor, who is a senior counsel on the committee, to discuss your matter, and your testimony will be made part of the record; however, if you wish to present your testimony in public, I am now in the process of trying to get this room for 7:30 this evening. If it is your wish, I will be back here.

But I will now have to go to the eligibility for IHS health care services.

I think all of you have responded to my general question of why you want the child to be left with the village or with the Native family, and you say it is in the child's best interest.

Ms. JACOBSON. Yes; we do.

The CHAIRMAN. Do you feel that way too, sir?

Mr. OSTROSKY. Yes, sir; and backing this information from the level of Western Science is a book by Edward O. Wilson called, "Genes, Minds, and Culture," in which they show that genocide occurs in the undermining of languages, and also by undermining the spiritual connections of the people back through their culture into the tribe. There is extensive documentation on this, and that is why the tribes want their powers back through The Compact of Free Association (P.L. 99-239).

The CHAIRMAN. I have just been advised that under the laws and regulations affecting this court room, we may not use this at 7:30 this evening. I will make arrangements to get a room in the hotel. I don't know what room, but we will get one. For those on panel four and five, if you wish to testify you will be first on the agenda tonight at 7:30; otherwise, you may meet with Mr. Taylor in room 114 of this building.

We will now discuss eligibility for Indian Health Service health care services. For the first panel we will hear from: the director of the Tanana Chiefs Conference, Mr. Will Mayo; the president of the Tlingit-Haida Central Council, Mr. Edward Thomas; and the chairperson of the board of Kodiak Area Native Association, Ms. Margaret Roberts.

Shall we start with Mr. Mayo?

STATEMENT OF WILL MAYO, DIRECTOR, SUBREGIONAL SERVICES, TANANA CHIEFS CONFERENCE, INC., FAIRBANKS, AK

Mr. MAYO. I'd like to thank you, Senator, for this trip that you have made to Alaska. We are very grateful that you have come here.

I'd like to give our testimony from the Tanana Chiefs Conference on the IHS eligibility issue.

Basically, we have two big problems with the eligibility issue, the proposed regulations by the IHS. The first one is that the IHS process for gaining tribal input was flawed. Also, the proposed content of their regulations was also very flawed. Those would sum up the total of our testimony.

But we would like to state further that the Indian Health Service, in seeking to address some issues that they have identified as problems, started out by proposing a one-quarter blood cut-off for Native Americans. That was opposed by tribes all over the nation.

The tribes provided some input, and the input was then considered, and they came out with another document. But rather than seeking tribal input, they sought, instead, to just go ahead and publish these proposed amendments.

So our feeling is that, just as bad as the content of the proposed regulations is, the process that was used is also very disconcerting, and of a great concern to our organization, and I know to tribes all over the nation.

We would like to encourage the Indian Health Service—and we would like you to assist us, Senator—to, in the future, with any proposals regarding Native Americans to consult with us. Perhaps there could be a joint IHS and tribal task force or some cooperative effort to hear the tribes' concerns on a national level, rather than attempt to put through regulations that would be so disastrous. It would be like placing a time bomb in the Alaska Native society.

So we ask for your assistance in urging the importance of a fair process to the IHS. This is a very important aspect of our testimony.

The IHS regulations: you have received testimony from us, from the Alaska Native Health Board, a joint statement from the area directors of the IHS and the BIA laying out the problems that they see and that we see with the proposal.

It wouldn't make me sad at all to see that proposal completely trashed because it is so bad.

The net effect of that never ends, Senator. It just continues until the last Alaska Native is, indeed, ineligible. That would be the end result in many years to come.

So we oppose those regulations, but we applaud the delays that were won.

We would like to see a greater cooperation with IHS and the tribal communities.

One aspect of the problems that we identified that I would just like to take a minute of my time to elucidate on is that there are some villages in Alaska who have a history of existence, but who are not recognized by the Federal Government for what they are. There are some 33 statewide.

We have got one village in our region of Alaska called Caltag. I speak on behalf of that village, who has had unquestionable existence and history since precontact days. But because of an administrative or clerical error, they were excluded from the list of federally recognized tribes. I'd like to especially draw this to your attention.

If IHS regulations such as these were to come about, that whole community—recognized under ANCSA, but not Federally recognized as a tribe—would stand at risk of losing eligibility, and particularly the children.

I would like to just take a moment to summarize my testimony.

The Tanana Chiefs Conference is very happy with the delay. We would not feel bad if the proposed regulations were completely thrown out. We would welcome, in any further IHS considerations, a joint tribal-IHS cooperative effort be entered into before they plan to release any regulations through the "Federal Register."

We would like you to just refer to the written testimony that we did submit to you. Also we submitted copies of the Alaska Native Health Board Testimony and the comments by the area directors.

With that I will close my testimony.

Thank you.

[Prepared statement of Mr. Mayo appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Mayo. I can assure you that all of your written statements will be made part of the record in total.

As you may have gathered, we in the Congress, in going over the procedure followed by IHS felt that Native Americans and Native Americans' organizations have not been given ample time and opportunity to make some meaningful input into the process. That is why we delayed it. This is part of the process of input.

I can assure you that IHS has heard you. There are several sitting here right now listening to you.

Thank you.

Mr. MAYO. Thank you, Senator.

The CHAIRMAN. Mr. Thomas.

STATEMENT OF EDWARD THOMAS, PRESIDENT, CENTRAL COUNCIL OF TLINGIT TRIBES, JUNEAU, AK

Mr. THOMAS. Thank you, Senator. Welcome to Alaska.

I think in your modest introduction you stated that you filled the position that no other Senator was willing to fill on this Select Committee on Indian Affairs. It is my understanding that there were even efforts to abolish the committee had you not filled the position. Since that time I can state on behalf of the Tlingit and Haida people that we certainly do appreciate the credibility you have brought to this very committee. Thank you very much.

Before I get into my testimony I want to state that I do have written testimony that I did turn in for the record.

The CHAIRMAN. Your prepared testimony will be included in the record immediately following your oral presentation.

Mr. THOMAS. This will simply be a verbal addition.

It is my understanding that the reason why Indian Health Service is proposing to modify the eligibility criteria is because they were concerned that there was more need for the services and, therefore, they needed to cut back on the people that were eligible for those services.

If a clear-thinking person would think this through, this approach is not a good common sense approach.

It would seem to me that if there are more health care needs in this country, we ought to do more to get those services out to those people who need it.

As this administration goes through this process, more and more they challenge the credence of tribal governments and their roles. This concerns our tribe very much.

When our eligibility as Indian people is challenged throughout the country, it almost always appears that Alaska gets singled out as being challenged even more so than other Indian tribes in the rest of the country.

In my written testimony I provide some historical analogies of how I feel and how others feel that Indian tribes' rights are not abrogated unless explicitly stated so by Congress. We find that in history the rights of our Alaska Natives have never been abrogated by Congress to the degree that others say they should be.

I would say that instead of trying to cut back the number of people who get services, that maybe our IHS administration needs to ask for additional funds to cover those costs.

The one key question always comes up: where do those monies come from if we are to indeed increase those services?

Always we are asked to cover those costs within the IHS budget. I think there is some administrative fat that needs to be trimmed out of those budgets. But I think, more importantly, there are other places we can gather revenue if we need to fund these programs.

An example is that maybe we can increase import oil taxes, or possibly reduce the savings and loan bail out by approximately one-half billion dollars. You can fund a lot of health programs for that kind of money that is used to bail out these savings and loans organizations.

It has been suggested that possibly we can increase what is called "sin tax"—taxes on items like alcohol and tobacco that create a negative impact on people's health. Or possibly you could increase taxes on luxury items like high-tech appliances and custom-made items.

The point I am getting at is that I think we can find ways to take care of the needy in this country. We always have a tendency in this country to cut the services to those who need them most every time we get into a budget crunch, and I don't think it is the best way to think on behalf of the people that need the services.

Southeast Alaska is the ancestral home of the Tlingit and Haida people. It is just a few hundred miles south of here. We come from a proud heritage. We have a rich culture. We come from a land that is blessed with natural beauty and a lot of wildlife.

Our people have never been defeated militarily; however, we have been consumed politically, we have been wounded economically, and we have been devastated by diseases brought to us from the outside by the white man.

In early times, we suffered from smallpox and tuberculosis that nearly wiped out our populations. Currently our people suffer from substance abuse and alcohol addiction, as well as emotional stress that often leads to suicide.

Earlier in your opening statement you gave statistics about the devastation of inadequate services to our people, and I am here to say that, unfortunately, they are, indeed, very true.

I appreciate your efforts and help to try to restore these services and, in many cases, improve them to the level whereby they make sense and are meaningful to the welfare of our people and for their continued health.

Thank you very much for coming to Alaska.

[Prepared statement of Mr. Thomas appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Thomas. Your testimony has been very helpful.

One of the reasons this item is on the agenda comes from testimony we received during one of the hearings in Washington on this issue.

When we inquired of the BIA, we learned that several of the native villages, for some reason unknown to them, were left off the lists, so these villages never got any information. That is one of the reasons why we are here.

Second, as I indicated in my opening remarks, we have found that solutions made by Native peoples for their problems most often turn out to be the best solutions. After all, they have lived with it for a long time.

We have tried to tailor legislation based on their needs according to their views. It may interest you to know that the Senate passed unanimously a few weeks ago a measure relating to Native Hawaiian health—they are native Americans, also. In this measure we have, for the first time, Federal recognition of the validity and usefulness of native health practitioners and healers. We also use elders in the educational system. Also in the community mental health initiative, we want to recognize native healers.

In Washington, mistakes are made every day. I think native Americans are entitled to make a few, themselves, so that is why we are setting it up this way.

So whatever you are suggesting to us we take very seriously. It might appear to some as being off the wall and a bit kooky, but we take everything you give us. If we think that it is worthy, you will find it translated into law.

May I now call on Ms. Roberts?

STATEMENT OF MARGARET ROBERTS, CHAIRPERSON, BOARD OF KODIAK AREA NATIVE ASSOCIATION, KODIAK, AK

Ms. ROBERTS. Mr. Chairman and members of the committee, welcome to Alaska. My name is Margaret Roberts. I am here today as the chairperson of the Kodiak Area Native Association, an association of the seven tribes on Kodiak Island. I am also here today representing my own tribe, the Shoonag' Tribe of the town of Kodiak.

I would first like to thank you for allowing me to testify at these hearings. I also would like to request the inclusion in the record of a written statement which is more comprehensive than what I will say here.

The **Chairman**. Your prepared statement will be inserted in the record immediately following your oral presentation.

Ms. **Roberts**. We in Kodiak have a number of concerns about the proposed Indian Health Service eligibility requirements, due mostly to the fact that the requirements and their implementation seem to be designed more to eliminate as many Alaska Natives as possible from eligibility for service than to ensure that those entitled to services receive them. Given the Federal Government's trust responsibility towards Alaska Natives, ensuring that those entitled to services receive them should be paramount.

This can be accomplished by taking several actions. Alaska tribes should be provided with additional financial and technical assistance to implement enrollment of members.

The Bureau of Indian Affairs should be provided with additional funding to deal with the increased demand being placed on it by tribes which are trying to enroll members for the first time.

We in Kodiak are enrolling our members, and it hasn't been an easy process. It takes a lot of time and a lot of talking to make people understand the benefits of being a member of the tribe.

Implementation of eligibility requirements should be delayed until it is determined that tribes have been able to adequately deal with enrollment of members, rather than setting an arbitrary date for implementation. However, the main point I want to make today is that implementation should be delayed until the BIA has adequately addressed the issue of the 33 tribes in Alaska which have not been included in the BIA's list of recognized Indian tribes.

In 1982 and 1986 the BIA published lists of Indian tribes recognized as eligible for services from the BIA. The lists included some 197 tribes in Alaska, but inexplicably left off the Shoonag' Tribe and 32 other Alaska tribes.

The BIA has offered no explanation as to why we were not included. Present and former BIA officials cite no reason for our exclusion. In fact, the BIA Juneau Area Office had recommended our inclusion on the original list.

It could simply have been an administrative oversight or typographical error. Nevertheless, the BIA has refused to add us to the list.

This is in spite of the fact that we were sufficiently recognized by Congress in the Alaska Native Land Claims Settlement Act of 1971 to extinguish our aboriginal rights—rights which by definition are tribal and not individual.

In addition, the Administration for Native Americans of the U.S. Department of Health and Human Services has, for years, recognized us for contracting purposes.

The BIA, itself, recognized us as an eligible tribe for 638 contracting until recently.

A wealth of historical evidence clearly supports our inclusion on the list. Archaeological evidence shows that the area of the present town of Kodiak has been occupied for thousands of years.

Russian censuses dating back to the Civil War, and American censuses up until just before World War II, show Kodiak to have been a mostly Native settlement.

In 1897 a reservation was established in Kodiak by executive order of the president. At that time you'll recall Congress no longer made treaties with tribes, and executive orders were the means by which all reservations were established. In the 1930's, the tribe worked with the BIA on organizing under the Indian Reorganization Act, but eventually chose to continue with a traditional government.

And again the tribe was recognized under the Alaska Native Claim Settlement Act. Yet, the BIA still will not include the Shoonag' Tribe on the list of recognized tribes.

As a matter of law and policy, this situation is simply wrong. You cannot have it both ways. You cannot, on one hand, have Congress recognize us to extinguish our aboriginal rights, and on the other hand, have the BIA refuse, for no reason, to recognize us as eligible for services.

You cannot have the Bureau of Indian Affairs, on one hand, recognize 197 Alaska tribes and, on the other hand, refuse, for no reason, to recognize us and the 32 other Alaska tribes in the same position as the 197 tribes.

And while different departments and different programs may have differing eligibility requirements, simply as a matter of good policy there should be articulated reasons for those differences, and, as a matter of law, those reasons should be applied across the board for all tribes. They should not depend on an "arbitrary and capricious" listing of tribes.

The position of KANA and the Kodiak Tribal Council is that IHS's eligibility requirements should not be implemented until the BIA adds Shoonag' and the 32 other excluded tribes, or provides adequate rationale for their exclusion.

The burden of establishing Federal recognition for our tribes should not be placed on our individual members. They do not have the resources to do so, and dealing with all their claims would place an incredible burden on Indian Health Service, the BIA, and the courts. Yet, placing the burden on our members is exactly what will happen if these requirements are implemented. Thousands of Alaska Natives will become ineligible for medical services they can obtain no other way. Such a situation will be fatal for many.

I want to thank you for buying us more time. But, like Mr. Mayo has said, when will this ever end? Are they going to keep it up forever and ever?

In conclusion, we request that Congress give the Bureau of Indian Affairs a deadline by which the BIA must justify to Congress why the Shoonag' Tribe and each of the 32 other Alaska tribes is not included on the list of recognized tribes, or Shoonag' and the 32 other tribes will automatically become recognized.

Again I would like to thank you for allowing me to testify and thank you, Mr. Chairman, for agreeing to come and visit our lovely emerald island of Kodiak.

I know that with your help and that of the committee we can ensure the continued survival of the Shoonag' tribe and the health of our people.

Thank you very much for taking the time and traveling such great distances to come to our country and hear what we have to say.

[Prepared statement of Ms. Roberts appears in appendix.]

The CHAIRMAN. I thank you very much, Ms. Roberts.

May I assure you publicly that this matter of the Shoonag' tribe and the 32 other tribes will be personally discussed with the BIA.

I thank this panel for waiting this long to share your views with us. We will take them back to Washington and we will try to translate your recommendations into law.

Before proceeding, in order to indicate to those assembled here who and what we will see, I will share with you the agenda of this committee.

As you know, when we recess here this afternoon we will reconvene in the Adventure Room at 7:30 at the Captain Cook Hotel. Originally we were supposed to have adjourned here at 5 and gone off to the Alaska Native Medical Center, but we will do that and return to the Adventure Room at 7:30.

Tomorrow morning we will be provided transportation by the National Guard of the State of Alaska, and we will be flown to Kotzebue. From Kotzebue we will go to the village of Noorvik. We will spend the evening in Kotzebue.

Early the next morning we will fly to Saint Mary's, and from Saint Mary's to the village of Chevak. From Chevak we will go to Bethel, and will return here to Anchorage late that evening.

The following morning the National Guard will fly us to Kodiak. From Kodiak we will go to Sitka. From Sitka we will fly to Seattle, arriving in Seattle the following morning at 12:30 a.m. on September 6. We will catch a flight 6 hours later to Washington.

So I can assure you that this trip is not for hunting and fishing. [Laughter.]

We are here to hunt and fish for information.

So with that, may I now call on the next panel: Ms. Rinna Merculieff, executive director, Southcentral Foundation; Mr. John Jemewouk, chairman, board of directors, Norton Sound Health Corporation; Mr. Robert Clark, executive director, Bristol Bay Regional Health Corporation.

Ms. Merculieff.

STATEMENT OF RINNA MERCULIEFF, EXECUTIVE DIRECTOR, SOUTHCENTRAL FOUNDATION, ANCHORAGE, AK

Ms. MERCULIEFF. I appreciate the opportunity to offer testimony on the issue of Indian Health Service eligibility regulations.

My name is Rinna Merculieff, and I am the executive director of Southcentral Foundation, a regional non-profit health corporation serving Alaska's most densely populated area, Anchorage, the Matanuska-Susitna Valley, and areas of the Kenai Peninsula.

Southcentral Foundation serves under the tribal authority of the Cook Inlet Region, Inc., an ANCSA corporation.

Southcentral Foundation offers a wide variety of services funded primarily by the Indian Health Service. Those services include optometry, dentistry, community injury control, substance abuse prevention and intervention, fetal alcohol syndrome screening, mental health, emergency medical services, community health aide, and community health representative programs.

Southcentral Foundation serves thousands of clients each year in our region.

Southcentral Foundation, as represented by its board of directors and its staff, is concerned about the proposed changes in eligibility for Indian Health Service services. The issue is exceedingly complex as it applies to Alaska. Obviously, the aborted attempt to shift eligibility from a political to a racial basis by requiring a minimum proportion of a Native race was unconstitutional. But its replacement, requiring enrolling in a tribe that is recognized by the Department of the Interior, while not as blatantly discriminatory, may be subtly disastrous for Alaska Natives.

First of all, there is a fundamental flaw in the proposed eligibility changes. A number of villages in Alaska are not recognized by the Department of the Interior, and even if they were to establish tribal rolls, membership simply would not count anyway. Three such villages are within the region that Southcentral Foundation serves. Those are: Ninilchik, Salamatoff, and Seldovia.

Although the Alaska Area Office of the BIA asked the department to acknowledge Ninilchik, Salamatoff, and Seldovia years ago, that has never happened. All the Native residents of these villages stand to lose their access to IHS services if the eligibility changes are made.

Second, even in most of those villages that are acknowledged by the Department of the Interior, tribal rolls have not been established. Fiscal resources are not available to the traditional and IRA governments of the villages to enable them to complete the lengthy and complicated procedures that must be accomplished for the establishment of rolls. Although there is little doubt that enrollment should ultimately be completed, the work will take time and money.

Third, in many respects, Anchorage resembles Seattle, Minneapolis, and other urban areas that have discernible urban Indian problems, and, as the population of Alaska shifts—with more village Natives relocating to Anchorage because of slightly improved economic opportunities—the problems will continue to grow.

Given the unique situation that is Alaska, we are not eligible for urban Indian funding. Southcentral Foundation must handle the problems as a tribal program, but we do not have the capability to enroll members as a tribe, due once again to the unique Alaska situation.

Yes, this is confusing. But the confusion will turn to chaos if the IHS eligibility requirements limit services to tribal enrollees, because few of Anchorage's Natives are enrolled to any tribe.

Not only have many come from villages with no tribal rolls; many represent the second and third generations of Native families that settled in the Anchorage bowl and that have no immediate ties to a discernible tribe, as that term is used in the proposed IHS eligibility regulations.

In several parts of Alaska, regional corporations have the tribal authority to receive funds from the Bureau of Indian Affairs, but it is not clear whether they are capable of exercising the governmental authority needed to enroll members to their tribe. This unusual aspect of the post-ANSCA situation in Alaska puts many Anchorage natives at risk of losing their status as beneficiaries of IHS services if the eligibility changes are implemented.

In all, estimates that are over 12,000 will lose IHS services in Alaska if IHS does impose these changes. Many reside in the Anchorage area.

The proposed changes are unfair to Alaska Natives and should not be implemented.

Thank you.

[Prepared statement of Ms. Merculieff appears in appendix.]

The CHAIRMAN. Thank you very much.

Mr. Jemewouk.

STATEMENT OF JOHN JEMEWOUK, CHAIRMAN, BOARD OF DIRECTORS, NORTON SOUND HEALTH CORPORATION, NOME, AK

Mr. JEMEWOUK. Honorable Senator Inouye, I would like to thank you for coming to the State of Alaska. I hope you enjoy it and that you have a good trip.

The CHAIRMAN. I won't see much of Alaska—I'll just see the inside of rooms, I think. [Laughter.]

Mr. JEMEWOUK. Welcome.

I'd like to thank you for allowing me to present my testimony to you, and hopefully it will help you in making your decisions on some of our concerns that we have here.

I am pleased to be able to offer testimony on behalf of the 8,000 residents of the Bering Straits region of northwest Alaska. My name is John Jemewouk. I am president of the Norton Sound Health Corporation, and I reside in a small village just south of Nome.

I will not read my written testimony verbatim, but instead I would like to take this opportunity to highlight and expand on our concerns regarding Indian eligibility and for Native health services.

I must, however, restate for the record that the Norton Sound Health Corporation board of directors, as representatives of the IRA tribal governments in the Bering Straits Region, strongly reject to the regulations contained in 42(c) of part 13 of the "Federal Register."

There are many reasons which we have listed for this objection. Suffice it to say that we feel that neither the Federal Government nor the tribal governments are in any way, shape, or form prepared to implement any eligibility registration system which would fairly capture all of the 80,900 Natives in Alaska.

The first is the issue of time. While we commend Congress for recommending a 1-year delay in implementing these regulations, we feel strongly that one year is not enough.

At the last Indian Health Service national meeting in Nashville, Indian Health Service director Doctor Everett Rhoades talked about meaningful consultation with tribes across America. One cannot have meaningful consultation without full disclosure of the issues, review of options and new ideas, and a regathering to obtain consensus if one is possible.

I contend that one year is not adequate to successfully carry out this process. We are looking at a minimum of 3 to 5 years. Take, as an example, the length of time it took to provide an understanding of ANCSA to our people. It is not an easy or quick process.

Second is the issue of money—money to educate village members on the issue, money to bring people together to discuss ideas and options, and, finally, money needed to implement a registration system if one is mandated. Will these funds come out of patient care funds?

At Norton Sound we have sought maximum resources over and beyond that which IHS provides through our 638 contract, just to provide the basic services to our people.

Even as I speak, there are Native patients who cannot get health care that we provide at the Nome Hospital because we do not have the travel money to help them come in for needed treatment. Should we tell them that there will be even less money available because the IHS wants to register them?

We, at Norton Sound Health Corporation, sincerely appreciate your coming to Alaska to gain input from we who must live with the policy decisions coming out of Washington, D.C., and Rockville, Maryland.

I hope that in the future I can report back to my people that Congress rejects the new IHS eligibility regulations, and that meaningful consultation will be sought from each Native person affected if this eligibility issue resurfaces, with adequate resources to complete this task.

I think there was some very good testimony that came out through the panel before this, and we support their statements regarding eligibility.

Thank you very much, Senator Inouye, for the opportunity to come before you today and present our views. We appreciate very much the fact that you have travelled such great distances to hear us.

[Prepared statement of Mr. Jemewouk appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Jemewouk.

Mr. Clark.

STATEMENT OF ROBERT CLARK, EXECUTIVE DIRECTOR, BRISTOL BAY REGIONAL HEALTH CORPORATION

Mr. CLARK. The Honorable Senator Inouye, my name is Robert Clark. I am from the Bristol Bay Area Health Corporation. Thank you for allowing me the opportunity to present my testimony to you.

I have my written testimony and several other previous correspondences relative to this area, so I will be fairly brief.

I am glad that you are planning to go beyond Anchorage. We have a saying that you have to get 100 miles out of Anchorage to really be in Alaska because Anchorage is much like any other urban cities, even though we do have a large Native population here. So thank you for fulfilling your promise to come to Indian Country and to hear from us and see our true concerns so that you can fit what we say to the situation at hand.

In my area I have got 32 tribes or villages that we work with, and as of this date, even though we have had workshops and training we still do not have any (complete eligibility enrollment) systems in effect right at the moment. And we agree that it is going to take years and money to really effectuate this. Not everybody is really concerned or really believes that this is going to happen. They are very concerned about doing it right, and we feel time is of the essence, and I think your hearing that is very critical. You can't really legislate what people feel and believe to be born rights, and that is a really critical thing.

This is just one of many areas, and our people effectually can't provide good input between the spring months and the fall months because they are trying to just simply survive, and when people are looking to strict survival they can't deal with these matters, so they are precluded from a lot of what is really important, and they have to rely on the staff, and the staff really needs the people in the villages. So it does take much longer than what you would normally think, and a year to do a complete enrollment is just totally unrealistic.

I pointed out things like that in my written testimony. We grew weary of deadlines requesting things over and over and over too fast, and it is causing a lot of other problems.

We have so-called "protections" in the recent Alaska Native Claim Settlement Act amendments and numerous other laws, but yet we are confused and upset because of what is happening within the state. The state has refused to recognize us as tribes, yet it is because of our tribalism that you (federal government) provide the services to us up here in the State of Alaska. There are a lot of problems going on relative to that. Anything that your committee can do subject to clarifying that—you have heard from the 33 villages that were left off the roll by BIA.

We have issues relative to lots of other areas, and just many problems that confront us. People are really looking to your committee for direction and for giving us the best support you can.

We disagree with the Alaska Supreme Court case decision over Stevens Village. It is wrong. There is a minority disagreement within the State, and, again, we lost. We need you folks to keep looking out for us and make the right decision.

Everything else I have is in writing, so I'll cut it short.

Thank you.

[Prepared statement of Mr. Clark appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Clark. And Mr. Jemewouk and Ms. Merculieff, I thank you also.

Because of the time constraints, may I suggest that the following persons report to the Adventure Room this evening to testify: Mr. Charles Edwardsen, Ms. Virginia Quasnikof, Ms. Harriett Beleal, Ms. Mary Ann Mills, Mr. Williard Rickie Ashby, Mr. Fred Alvsaas, Ms. Eva John, Dr. Philip Nice, Mr. Paul Hansen, Mr. Moses Pavilla, Mr. Gary Harrison, the Honorable William Hensley, Ms. Diane Olsen, Dr. Dennis DeLeo—no, I'm sorry—Ms. Lorraine Jackson, Ms. Evelyn Tucker, Mr. Joseph Lomack, Mr. George Edwardson, Mr. Rex Okakok, Ms. Gladys Chessley, Ms. Joan Hamilton, Ms. Ilene Ewen, Ms. Ester Combs, Ms. Mary A. Miller, Ms. Theresa Swan, and Mr. Willie Kasayulie.

As some of you may be aware, I conduct my hearings a little differently than most of my colleagues. If you do have the opportunity to testify before other committees you will see three light bulbs—one green, one yellow, and one red. When the green is on, you testify, when the yellow comes on you have got 1 minute to close your testimony, and when the red comes on, you must stop. I don't believe in doing that because most of you cannot afford to travel to Washington to testify. Most of you have already spent much time and money to come here to Anchorage. So the least I can do is to stay as long as may be necessary.

But I would like to have at least 4 hours sleep tonight before I go on, so please cooperate with me and let's see if we can't end the hearings by midnight. That's fair enough isn't it?

[Applause.]

The **Chairman**. And now we will take up the matter of funding for paraprofessional education and additional community health aide personnel—the CHAP program. We will now call upon a panel consisting of: Ms. Beverly Hugo, certified physician's assistant, Alaska Native Health Board Member; Ms. Debra Caldera, director, Community Health Aid Services, who will be accompanied by Ms. Ursula Kozezenikoff, Ms. Maggie Smith, Ms. Margie Boratko, Ms. Lucy Lewis; and we will have Ms. Eleanor McMullen, community health aide, coordinator instructor; Mr. Paul Sherry, director, Department of Health Services, Tanana Chiefs Conference; Ms. Ida Apokedak, president of the Bristol Bay Health Corporation.

Is Mr. Paul Sherry here?

Mr. **Sherry**. Yes, sir.

The **Chairman**. Well, ladies and gentleperson, may I call on Ms. Beverly Hugo?

STATEMENT OF BEVERLY E. HUGO, CERTIFIED PHYSICIAN'S ASSISTANT, RURAL ALASKA HEALTH EDUCATION CENTER—BOARD MEMBER, BARROW, AK

Mrs. **Hugo**. Correction: I'm Mrs. Beverly Hugo. I am a Inupiat Eskimo from Barrow, and I am a certified physician's assistant. I graduated from the University of Washington in 1985, and I have been practicing as a physician's assistant for 3½ years. Prior to that I was a community health aide for 7½ years in the village of Anaktuvuk Pass in the foothills of the Brooks Range between Barrow and Fairbanks. The population is Native, pretty much, and about 280 people.

I thank you for giving me the opportunity to be able to support that Community Health Aide program. I would also like to expand your horizon a little bit to the mid-level practitioner's program for I believe that the community health aides are a real candidate for becoming mid-level practitioners.

I strongly urge you—I have given you a written testimony, and I would like for you to read it. I need to make a few changes. There were apparently a couple of typos. In item number four, in the last sentence, "Rural Alaska Health Education Center money was only used as seed money." That's the one correction.

The **Chairman**. The correction will be noted.

Mrs. **Hugo**. Thank you.

Presently I am employed at the School Health Services as a health education specialist in Ipalook Elementary and Barrow High School of 800 children.

I am married for about 15 years to Patrick and we have three children—14, 9, and 1½ years.

I was born in Fairbanks and raised in Barrow by my parents, Charlie and Mary Edwardsen, in a family of 12 kids.

I strongly urge you all to continue and furthermore appropriate more money for the Community Health Aid and Practitioner Program of Alaska and to increase the funding to support education and additional health care personnel for the following reasons.

The village health aid is the first level of contact with the health care delivery system for rural Alaska Natives, and the community health aide maintains the standard clinic. Sometimes it is a real small building or a room, or it may be a real fancy clinic that is fairly large. But overall they do maintain regular hours 5 days a week, and they respond to medical emergencies 24 hours a day, 365 days a year.

I tell you that these CHAs and CHPs have become an indispensable part of the health care system in Alaska because they are the first runner up, and each community health aide or CHP examines and treats a patient according to protocol, which is a manual, the "Community Health Aid/Practitioner Manual," or as directed by your service unit physician via telephone.

Most patients are successfully treated in the village. Serious or complicated patients are transported to the nearest facility, depending on how serious the medical problem is. That is usually a couple of hours away. Alaska is very vast, and the CHAs and CHPs provide care to the acutely ill, they provide emergency care, they do prenatal care, well baby checks, immunizations, and other preventive services. They also work with a network of health providers from the Federal and State and local agencies. They assist with investigations and infectious disease outbreaks.

In addition, they manage the clinic pharmacy. When you are the health aide you are everything. They manage the clinic pharmacy, medical and janitorial supplies, maintain equipment, and the clinic facility. That is a big responsibility for one person to do, but these many CHAs in Alaska do it, and they do it well.

The CHAs and CHPs have become indispensable, and they are a major component of the health care for rural Alaska Natives. They ensure that basic primary care is available, accessible, continuous, acceptable to the population served, and it is a cost-effective system.

The CHAP program is one of the most successful programs in the world. It is a successful model of integrated primary health care in the world, particularly in regions or communities that are rural and remote. The importance of this continued funding and additional funding cannot be stressed strongly enough.

The step in the career ladder next in line for a CHA or a CHP is to become a mid-level practitioner like the physician's assistant. That was the route that I chose, and I don't have any regrets. There are at least 15 former community health aides that have successfully completed the Medex Northwest-University of Washington-Physician Assistant Program. These graduates have returned to Alaska and are now working in remote clinics or in urban clinics.

These former CHAs and CHPs are able to handle and deal with the cross-cultural communications as indigenous health care providers who are already prepared to handle the unique environmental, social, and cultural conditions of rural Alaska. It is so hard for—I think that is why we have such a high turnover of some of these health providers that we have because they are not able to grasp that. They are not able to adjust to the environment or to the cross-cultural communication problems that they have.

These people are deeply committed care providers, and they only want the best possible care for their people.

I think that I also would like to tell you a little bit about the bridge program that just happened this May. It was at the University of Alaska. It was a 5-week program, and I have two little manuals here that I will leave with you. It was trying to enhance the access for community health aides or CHPs that want an opportunity to try to better themselves or to prepare themselves for a mid-level or a physician's assistant program.

This 5-week program was kind of a pilot program, but I firmly supported that because the Alaskan bridge program is designed specifically to help students develop the urban adaptation skills and academic competency in mathematics, science, oral and written communication, and study skills.

When I was going to the University of Washington I could have used a little help. It would have made my life a little bit easier. But I went head on without no 5-week bridge program, but I firmly would urge you to support a program like that.

A secondary goal of the program is to enhance an understanding of the Alaska statewide health care system and the physician's assistant role within the system. Rural Alaska Health Education Center money was only seed money to try it out. I believe we had five or six that went, and they did very well.

The CHA and CHP has been identified as the ideal candidate for a physician's assistant education because of their strong background in primary care as a primary health care provider.

I would encourage the Indian Health Service to supplement some funds for similar Alaska Bridge Programs, or to expand the existing one so that more of our indigenous, strong health practitioners will have opportunities to advance.

Alaska is so very vast and remote, and the turnover rate of health care providers is very high. Education through the Alaska Bridge Program is one way to help stabilize our health care delivery system so that continuity and quality of care for rural Alaska Natives is provided, because most of the health aides are really deeply committed people. They have been doing this for a long time.

I would urge you to support continued funding.

Although certain areas in Alaska have fairly stable health aide workers, in my region—in the North Slope—there are only five villages that have health aides, and the stability is real shaky.

In order for a good health aide program to succeed you have to have a strong service unit that is well-staffed and stable. Some areas have not had any physicians for the past 4 or 5 years, and the care that they have there is not very stable, and it is distressing.

You have to have a strong base and a firm base, and that is your service unit. If your service unit—we have one doctor that has been kind of permanent, but the others have been TDY, and it causes a lot of crisis and chaos. But that's another problem.

I really encourage you to support the Community Health Aide Program and the paraprofessionals.

Thank you for the opportunity.

[Prepared statement of Mrs. Hugo appears in appendix.]

[Other material retained in Committee files.]

The **Chairman**. Thank you very much, Mrs. Hugo.

Before we proceed, I think all of you should know that I fully support the CHAP program and the CHAs. I fully support the full funding of $28 million to increase the numbers of CHAs to at least double what we have now.

I also support the expansion of the training program, and the provision of incentives to cut down on the number of dropouts that we are now experiencing.

I know that 95 percent of your villages are inaccessible, and the only way one can reach these areas would be by aircraft. I know that at the present time there is approximately one CHA per village. I know that we are now at a dangerous crossroad where many are leaving. I also know that the training program in many instances has been cut down so that many of our CHAs are not adequately trained. So you don't have to sell me. [Laughter.]

Nor do you have to sell the committee.

What I want you to do is to respond to four questions that I would ask to strengthen my case.

I want to know—those of you who are CHAs—when was the last time you went to a refresher course to review or to learn new things. So when your turn comes, tell me if you have been to a refresher course or if you have had an opportunity to learn new things since you began your service.

Second, if you had the authority to make any changes in the CHAP program, what changes would you recommend?

And third, what worries you most about being the only health care person in the village?

Fourth, what do you think we can do to help that situation?

Our next witness is Ms. Debra Caldera.

STATEMENT OF DEBRA CALDERA, MPH, DIRECTOR, COMMUNITY HEALTH AIDE PROGRAM, YUKON KUSKOKWIM HEALTH CORPORATION, BETHEL, AK, ACCOMPANIED BY URSULA KOZEVNIKOFF, COMMUNITY HEALTH AIDE, EMMONAK, AK, MAGGIE SMITH, COMMUNITY HEALTH AIDE, HOOPER BAY, AK, MARGIE BORATKO, COMMUNITY HEALTH AIDE, UPPER KALSKAG, AK, LUCY LEWIS, COMMUNITY HEALTH AIDE, KWIGILLINGOK, AK

Ms. **Caldera**. Thank you, Senator Inouye. Thank you for being here. You have made a long journey to come and be with us, and we really appreciate that.

I am Debra Caldera. I am the community health aide program director for the Yukon Kuskokwim Health Corporation. I am also the author of the document, "Alaska Community Health Aide Program in Crisis." This document describes the program today, its problems, and a proposed solution to the problems.

Senator Inouye, you asked four questions, and I believe the testimony of my staff will answer your questions, or at least partially answer your questions.

With that, I would like to turn over the microphone to Lucy.

Ms. LEWIS. Mr. Senator, my name is Lucy Lewis from Kwigillingok. Kwigillingok is 60 miles from the nearest hospital. I was hired as a health aide 8 months ago by the village council.

After I was hired, I worked with another health aide for 1 week. She taught me some of the things I needed to know, and I watched her see a patient. Then she left the village for the day. Before she left she told me not to worry, that there would be no calls.

After she left I got a call that a patient was having chest pain. I went to him and noticed he was flushed. He told me he has a heart problem. I didn't know how to take pulse, respiration, and ask questions or report to the doctor. But the patient left on his own and took a plane to Bethel.

I felt scared, put down. I felt that I didn't know anything. If I was that patient, I'd think, "Gee, this new health aide is so dumb."

I finally got Session I training after I was working six months. I feel more experienced, relaxed, and confident. Last week I attended a Community Health Aide Conference at Kwethluk Children's Home. I learned some new words, "quality of care."

Let me tell you what really bothers me now, and I can't stop thinking about it. I think back to that patient and my other patients and know that I didn't know enough to give good care. I know a lot now, but I know I need to learn more to give good quality care to my patients.

Thank you.

The CHAIRMAN. Have you been to a refresher course since you began?

Ms. CALDERA. Lucy has attended session I. She attended that in May. That is the first 4 weeks of basic training.

She will not be certified until 2 to 3 years from now when she has completed session II, which lasts for 3 weeks, session III, which lasts for 3 weeks, and then an additional 2-week training period.

The CHAIRMAN. But for the first 3 years there are no other sessions?

Ms. CALDERA. No. We need to get the health aides through basic training first, and then they go on to get clinical updates. But the health aide is fully responsible for their position prior to completion of training, unlike any other health care professional in this country.

The CHAIRMAN. What does a health aide get paid?

Ms. CALDERA. The health aide salary, sir?

The CHAIRMAN. Yes.

Ms. CALDERA. Health aide salary in our region ranges from $12,000 to $16,000 per year. The highest range is in Barrow, where they make about $29,000 a year.

The CHAIRMAN. And the health aides are selected by the village?

Ms. CALDERA. That's correct, sir.

The CHAIRMAN. Okay. Who is next? Ms. Kozevnikoff?

Ms. CALDERA. Actually, I'd like to turn it over to Marge next.

The CHAIRMAN. All right.

Ms. BORATKO. I'm Margie Boratko, health aide for 2½ years from Upper Kalskag, which is 100 miles from the nearest hospital.

I will tell you a little story. I was called 1 day from grandparents that their granddaughter was sick with a high fever. I checked her and reported her to the doctor, and they put her on antibiotics for a UTI. The patient also had a history of spina bifida.

We checked her in the morning and she was fine. In the afternoon I was called again for nausea and vomiting. I reported her to the doctor. The doctors told me to check her shunt.

I asked where her shunt was. The doctors told me it was behind her head. I checked the tubes behind her head, but they felt hard to me and the doctors told me to call back if the fever goes up.

I was called again at 1 in the morning because she was having high fever and vomiting, and those are the signs of a blocked shunt. The doctors told me not to worry. I worried real hard because she is my brother's only daughter.

I sent her to Bethel, and when she got there she was just fine. The next week I got looks and something was said that I got excited for nothing. The next few days I couldn't respond to patients because I felt I would do something for nothing again.

I am an alternate health aide, which means I work 3 days per month to keep my skills up. I also work when the primary is out of town. Three days are not enough. It is scary because we are dealing with people's lives. If I can work more and get more training I know I can serve my people.

My people depend on me, and I'm depending on you.

The CHAIRMAN. I am certain that you are a good health aide. We thank you very much.

Ms. CALDERA. Ursula?

Ms. KOZEVNIKOFF. My name is Ursula Kozevnikoff, and I have been working as a health aide for over 20 years. I am from Emmonak, and we have about 700 people.

Since January 1, 1988, we have had five deaths: four had pneumonia, and one died from sniffing gas. They came to pick me up about 3:30 a.m., and said they think the boy is dead. I ran out to check him and found him inside the boat. The boys said he stopped breathing about one-half hour ago. He was already stiff. So we did CPR for about 1½ hours to try to bring him back.

I called the doctor then and he said to stop the CPR. I felt really bad when we stopped CPR.

After a couple of days I saw one of our village public safety officers and he asked me if we did CPR. When I said yes, he said, "You could have done better than that." After that I saw his parents. I was so scared, and didn't know what to say to the parents. My head felt empty. They both talked to me, but I did not understand them—their mouths just moved.

To be a health aide is very hard and scary, and you can't rest peacefully. The phone is ringing every few minutes of the day and night. It makes you very tired.

The CHAIRMAN. You are a good woman to have lasted 20 years. We thank you very much.

Ms. CALDERA. Maggie.

Ms. **Smith**. My name is Maggie Smith. I am from Hooper Bay, which is located 125 miles plus west of Bethel by the Bering Sea. The population is very close to 700. I have been a health aide 20 years yesterday.

The **Chairman**. Congratulations.

Ms. **Smith**. Thank you.

[Applause.]

Ms. **Smith**. I have attended several minor and major cases. The most touching incidents were five deaths last year in July of 1987. All occurred within 2 weeks. One died here at ANMC following surgery. A 19-year-old female committed suicide here in Anchorage. An elderly adult died at home of heart failure. A 5-year-old female died at her home with undetermined cause. A 16-year-old male shot himself in the head and died a few days later here at the hospital. And there was another suicide attempt within those 2 weeks,-but he is now living.

Let me tell you about this 16-year-old male who shot himself in the head. While I was working in the clinic in the early afternoon I was called to make an emergency home visit. When I arrived at the scene, a 16-year-old male was lying on the floor unconscious with a bloody head and face.

After I checked him and decided that he was still breathing I called the hospital and I medevaced him to Bethel by helicopter which, at that time, was on its way to Hooper Bay when the accident happened.

I observed him all the way from Hooper to Bethel. He was really fighting for his dear life. Every time he exhaled, blood drained out from his ears, eyes—bright-colored blood—from the nose and mouth. His eyes and forehead were really puffed up then.

When the chopper landed by the hospital in Bethel, he was immediately taken to the emergency room where he was being checked. All the time we were travelling I asked myself over and over, "Is there anything I could have done?" And after I learned that he died, another question arose, "Wasn't there anything else I could have done to prolong his life?"

The doctor then told me that he had a dead brain, and noticing how I looked and how shaky I was he told me not to blame myself. I did my best.

The most sad, tough, and touching experience is facing the families of the deceased. Unexpected accidents and deaths make you stressful and feel very burned out and it is very depressing.

Last, if you don't believe what the health aides are doing in rural villages to help their people with low wages, come to Hooper Bay and experience it.

Thank you.

The **Chairman**. Thank you for your 20 years of service.

As I told you, I will be visiting some of your villages. I just hope that they will have equally capable and committed and dedicated CHAs when I am there in case I get sick.

[Laughter and applause.]

Ms. **Caldera**. Senator Inouye, may I conclude?

The **Chairman**. Yes, ma'am.

Ms. **Caldera**. Statewide we lost 33 percent of all health aides in fiscal year 1987. That translates to 151 positions. These individuals are replaced by untrained, inexperienced people who do the very best they can to provide quality patient care. We are unable to offer them adequate training due to underfunding of training centers.

Health aides leave their jobs due to: unreasonable work schedules; overwhelming job responsibilities; burnout; insufficient pay; inadequate training; stress associated with caring for victims of accidents, violent acts, and suicide; and the severe emotional stress of providing care to close relatives, friends, and enemies alike in an isolated, remote setting 24 hours a day, 365 days a year.

You have heard the testimonies of Lucy, Margie, Maggie, and Ursula that describe the difficulties of their jobs as community health aides. In their testimonies you can also feel their commitment to serving their people.

The personal dedication of every health aide who has ever worked in this program, regardless of the level of training, has contributed to the improved health status enjoyed by rural Alaska Natives today. Yet, the program cannot continue on its present course.

We are grateful for the $5 million fiscal year 1989 increase in CHAP appropriations. It brings us to 45 percent of funding level need. It is a beginning. Full funding at $28.7 million is needed to achieve and operate a bare bones quality health care program for rural Alaska Natives.

Thank you for your attention.

[Prepared statements of Ms. Caldera, Ms. Kozevnikoff, Ms. Smith, Ms. Boratko, and Ms. Lewis appear in appendix.]

The CHAIRMAN. I will pledge to you right now that this matter will be the highest priority of my committee.

Ms. CALDERA. Thank you.

The CHAIRMAN. We will do everything possible to get you the $28.7 million. That is the least the Native Alaskans deserve. If we can't provide them health delivery services, then we have no business being in this business.

The next witness is Ms. Eleanor McMullen.

STATEMENT OF ELEANOR McMULLEN, COMMUNITY HEALTH AIDE, COORDINATOR INSTRUCTOR, NORTH PACIFIC RIM COMMUNITY HEALTH SERVICES PROGRAM, PORT GRAHAM, AK

Ms. McMULLEN. Thank you, Senator Inouye. And welcome to Alaska. I sure was disappointed you aren't coming to Port Graham. We have a beautiful community.

The CHAIRMAN. Where is Port Graham?

Ms. McMULLEN. Port Graham is about 15 to 20 minutes flight from Homer. Homer is down in the peninsula area. It is kind of an isolated community. You can only come in and out by plane or boat.

We live in a small community of about 160 people. It increases in the summer time to about 200 people.

I am a health aide. I have worked in the field of health. I went to school and became a practical nurse and became licensed. I am a health aide. In 1972 I returned to my village and immediately became a volunteer caring for patients and dealing with health issues in my village.

I am a mother of five, and grandmother of six, and foster parent of two.

The CHAIRMAN. You are a grandmother? [Laughter.]

Ms. MCMULLEN. Brand new foster parent. I have two children age 12 and 8—foster children—at home. Four days ago I inherited them or got them. I am anxious to get back home.

I work with the health aide program training sessions. We have a session I in Seward—4 weeks of training. I serve basically as a liaison support person for the Health Agency of the State of Alaska. I work with those that may have problems with other skills. I enjoy my work.

I also serve on a lot of health committees and mental health committees in my area.

I feel like I have a good understanding of the needs of the health aides throughout the State of Alaska since I work with them. I feel like they are number one people for even thinking of coming in for training, and then doing it.

I have had health aides come in for training that had a 2-week baby at home. That took a lot for them to have to leave that new baby and to come in and commit themselves to 4 weeks of training.

The health aides are under-paid, but I don't think the health aides that come in for training or that I work with even consider the small amount of dollars they are earning or are not going to be getting. It is a commitment they have made to serve their people in their community. I feel like it is such an outstanding donation from their heart.

I have here my written testimony. I'm not going to go on much further.

I will attempt to answer some of the questions that you had earlier here regarding the changes.

I think a refresher course would be very, very good for the Indian Health Service to provide us. I have received training basically myself ongoing by my Native organization, or in other areas whatever I can get.

In mental health issues, this is something new that we have had to deal with in dealing with alcoholism. Last Saturday I had to deal with a suicide attempt. It wasn't very nice.

My concern now is basically how do I keep this person—she was the same age as I am, and we grew up together—from this happening again. What skills do I have to prevent this, to intervene, and to recognize before this lady tries another suicide attempt.

This is a concern I have. I work very closely with my council. I work very closely with my health committee. I work closely with anybody I can get a hold of. And I feel out of that I get continuing education.

The other thing is that I think refresher courses on an ongoing basis provided by Indian Health Service are necessary, and by the Native organizations, themselves. They can't do this. They don't have the money.

I can't remember what the other question was.

The CHAIRMAN. I think you got them all.

Ms. **McMullen**. Thank you so very much. I hope you can come to Port Graham some time.

The **Chairman**. Next time.

[Prepared statement of Ms. McMullen appears in appendix.]

The **Chairman**. I would like to ask a couple of questions at this juncture.

The committee has been advised that in certain regions a test such as the Nelson-Denny reading test and the Stanford Diagnostic Math Test are being administered to CHAs and CHPs. I would like to know why. Further, I would like to know whether these tests have any applicability to the role of the primary health care provider.

Ms. **Caldera**. I'm willing to take a crack at the answer to that question unless the corporation that has instituted that is here and would like to respond.

That not being the case, we had our first—well, pending right now we have our first lawsuit that involves a health aide. If people look very closely at our system, we are one, big, giant liability, and I think the institution of this testing procedure is an attempt on our part, or on the parts of the corporations, to be able to show that this program is a quality program, but to attempt to deal with the problems that some of our practitioners that have less than a sixth to eighth grade educational level and realizing that in today's world, and with the burdens that we place on the aides, they need to have some efficiency in English and basic math skills. It is a painful attempt to begin to deal with those issues that we face.

The **Chairman**. I would assume that these ladies then who have served us for 20 years are on this panel because they have demonstrated excellent judgment and responsibility; isn't that correct?

Ms. **McMullen**. That's correct, Senator.

The **Chairman**. Now, I have no idea whether they will pass the test. Does it mean that they cannot pass the reading test or the Stanford Diagnostic Math Test that they would be fired?

Ms. **McMullen**. That's not the way we are dealing with the problem in our region. Our ladies are here because they are excellent health care providers.

We are attempting to deal with our problem by identifying students early on before—students coming into the system now. If they lack some of the skills that are needed, we're working with trying to build their reading and math skills so that they can take on the challenge of their position.

The **Chairman**. I am well aware of the threat of court cases, but I was just wondering how that could improve the quality of the people that we have seen.

Ms. **McMullen**. The quality of the people is excellent, but is it just that we are living in a society that even in the far reaches of Alaska liability is being raised. I've talked about law suits, and a lawyer would love to come in and examine the system and attack any one of our aides. I think that is why we are so pleased that the Federal Courts Claim Act enables us to share in the responsibility that we have with the Federal Government.

There are not many other viable options in health care delivery in the rural regions. The health aide—even those who have 6 days of training, and I have many in my region—do a stellar job. I can't even understand how they do it.

The CHAIRMAN. I just hope that the fear of testing will not serve as a disincentive. That is all. You are having difficulty recruiting people, and sometimes there may be highly committed ladies or men who may want to be a CHA but have had bad luck with testing.

Well, we will be watching this.

Thank you very much.

Mr. Paul Sherry.

STATEMENT OF PAUL SHERRY, DIRECTOR, DEPARTMENT OF HEALTH SERVICES, TANANA CHIEFS CONFERENCE, INC., FAIRBANKS, AK

Mr. SHERRY. Thank you, sir.

I will keep my comments brief.

I am the administrator of the health care program in Interior Alaska. I work for Tanana Chiefs Conference.

I'm going to speak for a few minutes about this program as an administrator. I have administered our health aide program off and on since 1974 when we first assumed it under the Snyder Act prior to self-determination.

If you look historically, the regional health organizations took over the health aide programs first. It was because it was our priority program. It was the program with which the Indian Health Service had the least success over the several year period after formalizing the program, and we went and made the best attempt at that.

I really want to step further back and point out how these health aides that have pretty eloquently stated their role in their system are utilized in our system.

Nationally, it is estimated that the average health care expenditure per person is about $1,600. IHS, with its billion-dollar budget for a million natives represents about $1,000 per person. So IHS is contributing that proportion of the total patient's need. The other part is being met by Medicaid and Medicare and personal out-of-pocket expenses.

The choice comes down to how we allocate our $1,000 per person.

Administratively we take about 10 percent off the top, whether it is IHS headquarters, IHS area offices with the regional contractors. Hospital care eats up about $500 to $600, and that accommodates one night in the hospital. If I am in for more than a night, somebody else is paying for my bill with their share.

We estimate that for this health aide program we are taking about $150 of any Native person's allocation. That is what it costs us to have these people working out there.

It boils down to around $40,000 to $45,000 per average-sized community per year, and out of that we have to pull the salary, benefits, indirect costs, training, travel, supplies, and the like.

We are very appreciative of the new appropriation. It is going to augment the available resources significantly to address a number of the real problems with that $150 per person per year figure.

I would argue that it only meets a very—maybe a third of the balance of the unmet need.

We need to get to the point where each of these ladies here is not making $17,000 a year, but is making $24,000 to $26,000 a year—a reasonable salary for a trained, professional person with community service obligations.

We pay our village public safety officers that kind of money. We have got a salary imbalance in village Alaska because of that situation.

We also need to make sure that all of these people in the villages are trained fully—two per village. It has got to be that way. We can't have the primary health aide, the only fully-trained one, leaving the village to go to town for the weekend and leaving the rest of the community unserved by that person's absence. We've got to make that investment.

We've got to make the investment in the oversight, the supervision, the chart feed-back, the reading assistance, the medications assistance. We have got to give that full understanding to those 200 villages of health aides. It is going to cost the kind of money that Ms. Caldera's paper identified.

I am not going to go on much longer. I'm going to close out by—I think that you will be in Norwick, Saint Mary's, Chevak. You'll have the opportunity to meet some health aides there. I would encourage you to take a few moments out of your day in each place and go see them in their home environments.

The **Chairman**. We are scheduled to meet them.

Mr. **Sherry**. You bet.

That will give you a better personal sense of the environment of those people, but I would like to take the last minute of my time to propose to you a different analogy, so to speak, to give my views to your Senate and your other Congressional colleagues about our health aide program.

Let's imagine that the Senate is a village, and your 100 members and your spouses and your kids are a village—probably 400 people in your village. And for what everybody perceived was good sense you move the Senate to a small island off the Atlantic Coast—a traditional homeland, maybe Plymouth Rock or a neighboring——

[Laughter.]

Mr. **Sherry**. DHHS came out to your new settlement to assess your medical care needs for the year. They determined that the availability of a hospital 100 miles away on the shore is adequate. You've got airplanes coming out to your island 3 days a week, and you can get on a boat any time.

You will have a physician there twice in the next year for a couple of days, and a dentist. Your medications will come by mail.

Now you, as the Senate, have decided to offer one of your members a job, and that job is to be the principal medical care provider for those 400 people. The Senate has decided to offer you $17,000 a year for this job. We're going to choose a different Senator to be your backup relief 3 days a month. We're going to provide you with an exam room, a small office, a telephone, and we're going to give you three weeks training this year and some more next year.

Now, to me that is a very credible analogy with our villages, and yet I doubt that you could get any of your colleagues, any of your spouses, or any young people to move into a position like that given the environment we have.

Think of the scale of improvement on that that we would have to get to to be comparable in American health care.

With that I will close.

Thank you.

[Prepared statement of Mr. Sherry appears in appendix.]

The CHAIRMAN. How many health aides are there in Alaska?

Mr. SHERRY. Total health aides?

Ms. CALDERA. Currently employed there are 415, 205 of which are funded positions, and they are called primary health aides. The balance of those positions are alternate health aides.

The CHAIRMAN. Of the primary health aides, they are the ones earning $17,000 you were talking about?

Mr. SHERRY. Correct.

The CHAIRMAN. How many are women?

Mr. SHERRY. The great majority.

The CHAIRMAN. What percentage?

Mr. SHERRY. Probably 92 to 95?

Ms. CALDERA. I would guess about 95.

The CHAIRMAN. That's why you need ERA. [Laughter and applause.]

If men were CHAs, they wouldn't be working for $17,000.

Mr. SHERRY. If I could make a comment, sir: a lot of people survive in this job because they hunt and they fish and they live off their husband's fire fighting income, and they live without new things in their homes that the rest of us have. I think the time has come to get away from demanding that of these people. We don't demand it of ourselves as administrators, even in Alaska. It is a sad situation that we have come to that we really need to correct.

The CHAIRMAN. I am with you.

Ms. Ida Apokedak.

STATEMENT OF IDA APOKEDAK, PRESIDENT, BRISTOL BAY HEALTH CORP.

Ms. APOKEDAK. I like the way you pronounced my last name. It is Apokedak.

The CHAIRMAN. Not Kodak film?

Ms. APOKEDAK. Don't feel like you're the only one that does not know how to pronounce it right. [Laughter.]

The CHAIRMAN. Apokedak?

Ms. APOKEDAK. Apokedak.

The CHAIRMAN. OK.

Ms. APOKEDAK. I am Ida Apokedak, the Bristol Bay Area Health Corporation president.

I gave you a written testimony, so I won't read through it. I would just like to say that about 8 years ago I was an alternate health aide with 2 weeks of training, and I delivered two babies, I had three medevacs, and I just couldn't hack it. I ended up with ulcers. So I quit that job to become the president of the corporation. [Laughter.]

I guess I'm just made of the right stuff when it comes to being a health care provider.

I, for one, am grateful for the $5 million that IHS will be giving us. This will help to relieve the pressures that are making their jobs so hard. I would ask this committee to recognize that a bit more training and a slightly more equitable pay scale go in the right direction, but not nearly far enough in supporting the absolutely essential work of our community health aides.

Thank you very much for coming to Alaska and hearing our concerns. You must have them all down pat now, as people have been repeating that, and my people have some of the same stuff that you already have there.

Thank you.

[Prepared statement of Ms. Apokedak appears in appendix.]

The **Chairman**. Thank you very much.

I have been advised that one of the horrible options you have in the event moneys are not available is the option of cutting down salaries by 25 percent.

Ms. **Apokedak**. For the health aides?

The **Chairman**. Yes.

Ms. **Apokedak**. That's just like telling them you're fired. They'd just quit.

The **Chairman**. What would happen if the salaries were reduced by 25 percent?

Ms. **Apokedak**. Well, they are barely surviving now on the salaries that they have now. I think it is just asking a little bit too much.

The **Chairman**. Mr. Sherry.

Mr. **Sherry**. The likelihood, sir, is that they would all dip below the AFDC Medicaid eligibility income level. That's how close these folks are in most cases to that point right now. That kind of tells you where—I don't know under what circumstance we would have to scale back our salaries that much.

The **Chairman**. One of the reports I read from Alaska suggested that in the case of an emergency they will cut down and scale salaries down 25 percent.

I thank you very much.

If I may, I would like to call a 5-minute recess.

[Recess.]

The **Chairman**. We will be hearing this afternoon from Dr. Robert Burgess, IHS Community Health Aide Program Coordinator; Dr. Thomas Nighswander, Director, Ambulatory Care Services, Alaska Native Medical Center; Mr. Gerald Ivy, Alaska Area Indian Health Services Director, IHS; Dr. Dennis DeLeo, Dr. William Richards, and Ms. Theresa Ricketts.

Gentlemen, thank you for waiting. If I may, I would like to call on Doctor Burgess first.

Mr. **Ivy**. Mr. Chairman, I'm Gerald Ivy, the director of the Alaska Area Indian Health Services. I'd like to open. I would appreciate it.

The **Chairman**. It's your show.

Mr. **Ivy**. Thank you.

STATEMENT OF GERALD IVY, ALASKA AREA INDIAN HEALTH SERVICES DIRECTOR, IHS

Mr. Ivy. In our letter of invitation, we were requested to present testimony before the committee on the issues of mental health and the community health aide program.

The Indian Health Service is the Federal entity charged with administering the principal health program for American Indians and Alaska Natives. The goal of the IHS is to raise the health status of American Indians and Alaska Natives to the highest possible level.

Its mission is threefold: one, to provide and/or assure the availability of high quality, comprehensive, and accessible health service; two, to provide increasing opportunities for Indians to manage and operate their own programs; and three, to serve as a health advocate for Indian people.

In fiscal year 1988, the IHS will continue its mission by providing comprehensive health services to over one million Indian and Alaska Native people.

We are pleased to be here today to represent the Alaska Area Native Health Service of the Indian Health Service, and will be happy to discuss and answer any questions that you may have regarding our mental health and community health aide programs.

Mr. Chairman, at this time I would like to defer to the various program people who have accompanied me here today to address their specific areas of expertise.

Thank you.

[Prepared statement of Mr. Ivy appears in appendix.]

STATEMENT OF DR. ROBERT BURGESS, IHS COMMUNITY HEALTH AIDE PROGRAM COORDINATOR, ANCHORAGE, AK

Dr. Burgess. My name is Dr. Robert Burgess, and I have taught health aides for about 13 years now. One of those years I lived in the village of Wainwright, AK.

Since 1978 I have worked in Anchorage at the Community Health Aide Program, and I am the medical director. For the past one and a half years I have helped out as the acting chief of the community health aide program.

I am the main author of the CHAP manual, which I believe you have seen and to which reference has been made. It is what health aides use as their standard of medical care.

Much of the information that I had down and prepared to say has been said—and very well—by the health aides. I thought I might summarize and say a few things and then leave room for questions that you may have.

Before we finish talking about the health aides, though, Dr. Nighswander will continue, and then maybe if you want to ask us questions that would be our completed message.

To summarize a couple of things, I might say that the "CHAP Program in Crisis" has most of the information in it which people have mentioned today. We helped prepare that document along with the folks at YKHC and with the Alaska Native Health Board and health directors. So I won't mention a whole lot of that.

I want to summarize what a health aide is. A health aide: is the person who provides the primary health care in a rural village; lives in, and is selected by that village; is employed by a local Native regional health corporation, is formally trained in three separate sessions for a total of approximately 10 weeks. The health aide treats patients using standing orders and receives remote medical supervision from a physician by radio or telephone.

Some people have mentioned CHPs today. Following a step-wise process, a health aide can become certified as a community health practitioner, or CHP.

A typical health aide is a 38-year-old woman who also has three children that are under 21 years of age.

I think you can understand how important a health aide's job is, certainly from the testimony alone, today, so I won't mention much more about that.

The health aide has one of the most important jobs and certainly the most difficult job of any health care provider in Alaska.

Looking at getting right to the specific problems and what the needs are: first of all, the number of positions. As Debra mentioned before, there are currently 205 positions funded. There is an alternate health aide concept, which is not funded and which is not working.

The IHS research requirements methodology module points out the need for an additional number of health aide positions. Even though that module was based on a low reporting of patient encounters, that module showed a need for 428 total health aides.

Using a formula based on village population—one health aide per hundred population, which is in that "CHAP in Crisis" document—in order to provide regular clinic hours plus emergency coverage for 24 hours, there is a need for 448 health aides, or about 243 additional positions.

The salary has already been mentioned. It is much too low. Salaries need to compensate health aides for the work that they do.

Testimony on the problems and the needs of the health aide program will continue with Dr. Tom Nighswander.

The CHAIRMAN. May I ask a few questions at this stage? You just indicated that CHAs are the most important and the most necessary of all the health care providers in Alaska. Who sets the pay scale?

Mr. IVY. Senator, there are various ways that that is done. Historically, with the amount of the appropriations and funding that was available, the number of aides divided into that amount of the appropriation after taking out training costs and all those other costs, and basically what was left, quite frankly, established the salary basis.

Some of the areas around the State, through State funds and/or other resources, have been able to supplement those salaries some. But the primary basis I believe is within the appropriation available from IHS.

The CHAIRMAN. Would you consider the present state of affairs as constituting an emergency where nearly 40 percent have left the service?

Dr. **Burgess**. In my opinion, looking at and reading the "CHAP Program in Crisis," I am right with the recommendations and the statements that that document makes. Yes.

The **Chairman**. Do you think pay scales should be increased?

Dr. **Burgess**. Yes.

The **Chairman**. Is it true that there is an emergency plan which provides that if there are inadequate funds the pay scale would be cut by 25 percent?

Dr. **Burgess**. We were trying to interrupt as that comment was being made before. That information is from the "CHAP in Crisis" also, and what that was was a plan which mentioned that if full funding did not occur and only about 75 percent of the full $28 million was received, then here is the alternate plan. So it would be 25 percent less than the full funding, not less than what we have now.

I have never heard anything proposed about 25 percent less than what we have now.

Ms. **Caldera**. Mr. Chairman.

The **Chairman**. Yes, ma'am.

Ms. **Caldera**. Senator Inouye, that plan that was outlined was in the original document, and the CHAP directors that worked with me on the preparation of that document prepared contingency plans. Our wildest dream still is to attain that $28.7 million. If we don't get that, or if we get $16 million that would take us up to 78 percent level of need, then we would implement the entire program addressing CHA work schedules, CHA salaries, training, and supervision, as outlined in the ideal plan, but cut everyone's salary.

We also have a backup plan for 45 percent allocation, which is what we are planning on implementing this year.

The **Chairman**. I am glad you clarified that for me. Thank you.

Ms. **Caldera**. Thank you for the opportunity, sir.

The **Chairman**. Dr. Nighswander.

Dr. **Nighswander**. Yes.

STATEMENT OF DR. THOMAS NIGHSWANDER, DIRECTOR, AMBULATORY CARE SERVICES, ALASKA NATIVE MEDICAL CENTER, ANCHORAGE, AK

Dr. **Nighswander**. Senator, I am Dr. Tom Nighswander, director of Ambulatory Care of the Alaska Native Medical Center.

To confirm most of what you have heard and support that you have already talked about giving to the program, I am going to specifically address training.

If we have an additional 243 aides—and that is what the document calls for—it will take 22 additional full-time faculty. The faculty requirements are very intensive for the following reasons: health aides usually have an 8th to 10th grade education; for many, English is the second language; for all of them, medical terminology is a third language. So the faculty training is very intense. There are one or two students per faculty member for clinical training. It is a very intensive clinical work load for the faculty, and it requires a larger number of faculty than might be expected.

You were absolutely correct. We do not offer a continuing education program. It is a deficit. It is well recognized. We haven't been able to afford to do it. It is a need that all of us who are clinical supervisors, and certainly those senior health aides—two of whom you have heard from today—feel is a real deficit.

The proposals outlined in documents you have focus on health aide salaries, increasing the numbers, and training of the health aides.

We anticipate only very modest needs for additional supervisors. The same number of villages are involved. We need to do a bit more travel to the villages than we have been doing, so there is a modest increase resources need for travel. But by and large the proposal focuses on increasing the number of aides and adequate salaries.

I have been working as a practicing physician with Health Aids since 1972. I have been able to witness an era of both improved health services and health care to Alaska Natives. It is crystal clear to me that it would not have happened without the health aide program. It is a testimony to their emotional and physical strength and their ability to prevail and endure that the health care of Alaska Natives is where it is today.

The program is in crisis. There is no question about that. Currently, 30 percent of all practicing health aides have not completed session I, and there is this 33 percent attrition rate which is intolerable.

I think I represent physicians who have worked with this program over the years. We feel, as you have suggested, that an increased number of village health aide positions, fairly compensated, with adequate and continued training will renew the vitality and quality of the training and allow us to address even more complicated health and social problems of which you are well aware.

We are delighted with the increased national attention the program is receiving, and your personal commitment for the resourcing that you have mentioned today. We consider the resources this year as our first installment.

Thank you, Mr. Chairman.

The **Chairman**. Thank you, sir.

Dr. Dennis DeLeo.

STATEMENT OF DR. DENNIS DeLEO, CHIEF OF PSYCHIATRIC SERVICES, ALASKA NATIVE MEDICAL CENTER, ANCHORAGE, AK

Dr. **DeLeo**. Good afternoon, Senator.

I am Dr. Dennis DeLeo. I am the chief of the Department of Psychiatry at the Alaska Native Medical Center.

I would like to share with you some statistics reflecting on the mental health of the Native community.

The suicide rate for Alaska Natives is currently running about 40 per 100,000, compared to a national U.S. average of 12 per 100,000. The suicide rate for Alaska Native males is currently 80 per 100,000, compared to 16 per 100,000 as a whole for young men in the United States.

The **Chairman**. Can I interrupt here? I read somewhere that in the age bracket 20 to 24, for Alaska Native males the suicide rate is 20 times the national average?

Dr. **DeLeo**. I have not heard that statistic. The most severely-affected group of Alaska Native men are those between the ages of

15 to 24 living in rural areas. If that portion of the male suicide rate was selected out, I don't know what that rate would be. I would suspect it would be higher than the rate of 80 per 100,000 as a whole for Alaska Native males. I don't know whether it would be 20 times the national average, but I suspect strongly that it is certainly higher.

Suicide attempts among Alaska Natives have increased two-fold in urban Alaska since 1980, from 100 per 100,000 to 200 per 100,000; while attempts in rural Alaska have increased four-fold from 125 per 100,000 to 500 per 100,000.

The greatest killer of Alaska Natives is accidents and injuries, and it is presently running at a mortality rate of 175 per 100,000, as compared to a national average of about 25 per 100,000.

Almost every study done on precursors of accidents reveals a correlation with depression and/or suicidal ideation and alcohol abuse.

Alcohol abuse plays a key role in suicides and suicidal behavior in Alaska Native. Studies as far back as the early 1970's shows alcohol abuse in attempted and completed suicides, beginning with a large study published in 1979 reviewing suicides amongst Alaska Natives in the years 1971 to 1977. Alcohol abuse was associated in 43 to 57 percent of those suicides.

An Alaska Native Health Board survey of suicides completed in 1985 showed alcohol abuse implicated in 53 percent of all suicides in 1982, 77 percent in 1983, and 95 percent in 1984.

The CHAIRMAN. Was that 95 percent?

Dr. DELEO. That's correct.

Between the years 1982 to 1984, alcohol abuse was implicated in 74 percent—156 of 211—suicide attempts by females.

A study done by Dr. Paul Kettle, a former psychiatrist in our department, reviewing 33 hospital charts of patients completing suicide showed 57 percent had a documented past history of alcohol abuse prior to their completed suicide.

Last, the homicide rate for Alaska Natives is currently 24 per 100,000. It ranks as the sixth leading cause of death. Almost 100 percent of those homicides are alcohol related.

These statistics are all critical indicators of the mental health of a population of people.

There are a number of approaches to these problems. Several years ago the State legislature passed local option laws allowing each community to decide for themselves whether to prohibit first the sale, and later the possession of alcoholic beverages. This can be an effective way to prohibit the use of alcohol in those villages where its consumption has been shown to be implicated in high suicide, homicide, and accident rates, and violent crime rates such as physical or sexual assault.

Many villages in Alaska are now adopting and enforcing these local option laws. Recently passed Federal legislation, Public Law 99-570, addressing alcohol and substance abuse amongst Native youth, recognizes its danger and sets out, through prevention and treatment programs, to stem the tide of alcohol abuse in Native youth. Money from that bill is helping Alaska Natives to create both outpatient and residential treatment programs for native youth.

I would like to return to the psychiatry department at the Alaska Native Medical Center. I feel it provides a fairly comprehensive level of treatment for the Anchorage community of about 15,000 native people.

We are a staff of eight at the native hospital—four psychiatrist physicians and four psychiatric nurse specialists. Our primary duties are to do individual, family, and couples therapy, and also group therapy with the population in the Anchorage area. We also provide consultation services to the medical staff for patients admitted to the hospital, and each of us also does field clinics in several areas around the State regularly, as well.

As I said, the majority of its services are directed to this population, although there are other responsibilities, as well, including field clinics to Dillingham, Sanow, Kotsabu, and Barrow. I would like to address each of these areas more specifically.

Villages in these areas all suffer the same types of mental health problems I have already described: high alcoholism rates, high rates of depression, family dysfunction, suicide, and homicide. It is difficult to separate out treatment for psychiatric disorders such as depression from treatment for alcohol and substance abuse.

Facilities treating psychiatric disorders or alcohol and substance abuse see and treat both. Most of the mental health facilities in these outlying regions are understaffed and underfunded.

The Barrow service unit has a native population of 3,263, according to the statistics I have, in seven villages located over an area of 84,000 square miles. At last count, there were three mental health workers to provide services to that population.

The Bristol Bay Area service unit encompasses Dillingham and 28 other villages scattered over an area of 40,000 square miles. Its total native population is 4,400, approximately. A masters level psychologist heads its mental health program, assisted by two mental health workers and an administrative assistant. They do an admirable job, but they can't possibly address the mental health needs of that area.

The Kotzebue service unit consists of 8,984 native peoples living in 11 villages, plus Kotzebue, within a 36,000 square mile area. Two masters level social workers and a psychiatric nurse specialist are charged with meeting the mental health needs of that area.

The Norton Sound service area fares a little better. An administrator and four mental health specialists provide psychiatric services to a native population of 6,124 people living in Nome and 15 villages in an area of 23,000 square miles.

The Yukon Kuskokwim service unit, with the town of Bethel as its hub, was fortunate in recruiting two psychiatrists to head their mental health program after being without a psychiatrist for over 1 year.

The native population of that service unit is 16,800 people, approximately, living in 49 villages scattered throughout the area of 75,000 square miles.

The Mount Edgecumbe service unit in southeast Alaska recently lost its one psychiatrist and, as yet, has been unable to recruit another. At present, there are two psychiatrist positions vacant to provide, along with a social worker and a psychologist, psychiatric services to a native population of 10,559 people living in 20 villages throughout a 37,600 square mile area.

Last, I am not familiar with psychiatric services for interior Alaska other than to say that they are charged with providing services to a native population of about 9,000 people living in 28 villages located over an area of 235,000 square miles.

I have lived in Alaska 15 years, but in making up this report I was once again astounded by its size and remoteness, and the complexity of adequately meeting its mental health needs.

Dr. Scott Nelson, head of the mental health programs branch of the Indian Health Service, presented a community-based mental health initiative for Indian people before the Select Committee on Indian Affairs on July 7, 1988. It addresses the mental health needs of Indian peoples, including Alaska Natives. I strongly support that initiative.

I also strongly support increased funding of mental health programs in fiscal year 1990, as spelled out in the funding level summary that Dr. Nelson presented.

The **Chairman**. It seems like you are the numbers man here. [Laughter.]

Of the number of completed suicides and attempted suicides involving natives, what percentage were women?

Dr. **DeLeo**. The ratio of completed suicides men to women is about eight to one, so if I took that and applied that to statistics I could give you those figures.

Most men who complete suicide use firearms and are very successful at those suicide attempts. Most native women have traditionally in the past used medication overdoses in attempted suicide, although anecdotally we have noticed over the last year or two that native women are now beginning to use firearms to complete suicide with much greater effect.

The **Chairman**. Do we have——

Dr. **DeLeo**. Excuse me, Senator Inouye. Apparently the suicide attempt rates are about equal for women and men; it's just that men are doing a much better job at completing their suicides than women are.

The **Chairman**. How many Native Alaskan psychiatrists or psychologists are actively working in Alaska either in private practice or in government service?

Dr. **DeLeo**. I do not know of any myself.

The **Chairman**. Not one?

Dr. **DeLeo**. Not one. I may be incorrect, but I do not know of any.

The **Chairman**. We have got troubles.

Dr. **DeLeo**. Yes, we do. Big troubles.

The **Chairman**. I thank you very much.

Dr. William Richards, do you have worse statistics?

STATEMENT OF DR. WILLIAM RICHARDS, DIRECTOR, COMMUNITY MENTAL HEALTH SERVICES, IHS

Dr. **Richards**. Senator, members of the committee, I am Bill Richards. I am the chief of Mental Health Services for the Alaska area.

The difference between my job and Dennis' is that Statewide we do a lot of our programs through contracts out to tribal organizations, whereas he handles more of the clinical aspects at the medical center and our field clinics or field hospitals.

I greatly appreciate the opportunity to present these comments to you. I will be very brief.

First point: there have been dramatic changes in the population of Alaska since about 1940. At that point we had about 50/50 Alaska Natives/Alaska nonnatives in the State. Now we're down to 17 percent natives and the rest non-Natives. So there has been a very rapid influx in the space of a generation or so, increasing contact between the non-Natives with more urban values, and the native population with more rural, tribal, and communal values. This impacts at multiple levels—on the social system, family, and individual.

Communities feel powerless, families break down, intergenerational conflict, individuals who develop what has been called "marginalization alienation" caught in between the traditional values of their elders and city values that are coming in.

The result is that communities have real adapting, families have child-rearing problems, parenting problems, identity problems. And then the statistics that Dr. DeLeo presented dealing with individual suicides, as well as mental illness, we also have substance abuse.

I think the problems run deeper, though, than just the individual head counts.

I am also in favor of the plan that Dr. Nelson is developing. The details for our program organization and staffing and work load are all described in that plan. I think the plan deserves your full support. Actually, it is long overdue.

Just to comment on the Alaska section to that national plan, I agree fully with some of the things that you said earlier, yourself, about involving Alaska Natives directly in planning and developing programs. Village leaders need to be actively involved. They need to work along with traditional native elders to incorporate traditional values into the program.

In my opinion, village workers with special skills in mental health, as well as substance abuse, with adequate training and backup are needed.

You have heard from some of the health aides the problems they were having just handling basic health care, and some of them mentioned trying to handle a suicidal patient, trying to handle violent patients, with very minimal training in how to do it.

When you get done funding the regular health aide program for physical health, I think the next step would be something like a behavioral health aide or one or more persons right at the village level that would be able to have more skills and more training in the area of mental health and substance abuse.

The State of Alaska university system as well as our Native Health Services need to work closely with tribal organizations on the training and backup system. It would be nice to have a research capacity and training in refresher courses—types of things you mentioned. It needs to be very broadly based. It can't just be seen as individual cases.

We need community development kinds of things. If you have a village with 100 people and only 6 have jobs, you can counsel as long as you want, people are still going to be suicidal, alienated, feeling trapped and depressed. We need to attack those group problems.

The program would not work without a very good backup system in place.

Thank you.

The CHAIRMAN. I thank you very much. You touched on a matter that I was just going to inquire into.

You have given us statistics and numbers as they relate to age and sex. Of the numbers that have committed suicide or attempted suicide, what percentage were unemployed?

Dr. RICHARDS. I don't have those statistics. I have no idea.

The CHAIRMAN. Do we have any statistics on that?

[No response.]

The CHAIRMAN. I noticed, Dr. Richards, that you said you——

Dr. RICHARDS. I would say that the rates are quite high. We have been trying to get that sort of figure. We're not set up right now to do special data gathering. I'm getting calls from villages where someone just tried to hang himself and they're wanting immediate action by long-distance telephone to someone 500 miles away. How can we get help to this person?

Or people in the hospital where there is no psychiatrist. The physician calls me up and says that in the intensive care unit they have a person who is going psychotic right in the intensive care unit and ask me to handle it by telephone and give advice.

So we are not in the data-gathering mode right now.

As I said, it is a high correlation, and we do have communities—one is the community of Akhiok which is in the Kodiak Region. If you get a chance to go down there you might talk to them about that—where the leaders in the community have made a major turn-around in terms of sobering up the community. They now have about an 80 percent sobriety rate. They were a small community of 100 to 150 people. They had a tragic suicide in the community that kind of lead them to hit bottom, and then they turned around.

Now their problem is what do to in the future in that community. They see the teenagers there. What are they going to do? Are they going to leave the village forever. They are trapped. This little system is not that great. Are they going to stay there in the village? What else will they do? So there is a feeling of a blocked future, which I think is very pervasive.

I think if we are going to try this year to demonstrate a community action project working directly with the village leaders and using some of our special initiatives mental health money to see if we can get that community economic development stimulated, and then we will try to carefully assess and evaluate what happens in terms of self-concept and identify what happens to that community.

I think that's the model that we're looking at for other communities also.

The CHAIRMAN. I asked that question because I need more ammunition. For American's who are now experiencing 5.2 percent unemployment in the United States it is very difficult to conceive of any ethnic group experiencing 57 percent unemployment, and that is the national average among Indian communities. If we can see some correlation, then we can say let us stop these death rates by giving them jobs or something like that, which sounds too simple.

Dr. **Richards**. One more comment: we had a 17-year-old boy about 3 weeks ago that came to our hospital in Anchorage. He had shot himself through the jaw. Fortunately it came out through the nose and he survived.

I asked him the question, "If you were the chief of the program, what would you do for suicide prevention for your village?" And the answer he gave was, "Give me something to do." It is boredom. We're trapped. And especially younger men in the village feel very blocked.

He had started drinking and went into an alcoholic blackout and didn't really remember what had happened, but he wound up with a bullet hole in his jaw. So I think there is a connection. He had lost his job.

The **Chairman**. Ms. Theresa Ricketts, you will be the last witness this afternoon.

I am sorry, but I will have to advise Dr. Michael Graf, Ms. Cecily Martin, and Ms. Myrna Orme to come back at 7:30 to the Adventure Room because we will have to leave here. We will resume these hearings at 7:30 in the Adventure Room at the Captain Cook Hotel. We will begin with community-based mental health initiative, and at that time the first witness will be Dr. Michael Graf, followed by Ms. Martin and Ms. Orme.

Yes, ma'am.

Unidentified Speaker. Senator Inouye, I wonder if I could ask the panel—especially the psychiatric people——

The **Chairman**. If you want to ask a question, please send it to me and I will ask them.

Ms. Ricketts.

STATEMENT OF THERESA RICKETTS, AREA COORDINATOR, DRUG AND ALCOHOL PROGRAM, IHS, ANCHORAGE, AK

Ms. **Ricketts**. Thank you, Senator Inouye. I will be brief.

My name is Theresa Ricketts. My testimony is specific to alcohol and substance abuse, and maybe an offer to resolve some of the problems that the native people have been experiencing.

Public Law 99-570 has been instrumental in realizing self-determination. It has allowed our native people, within their villages, to assess and identify priorities and issues that are not presently being met. It has enabled our communities to mobilize themselves; however, there are shortfalls.

Public Law 99-570, with all of its components, and it being used specific, although it provides the opportunity for the communities and the tribal leaders to participate as they are developing and designing their programs, has fallen short meaning that our tribes and our contractors are saying that they need additional funds to provide a stronger after-care services.

There have been indications and mentions of providing or creating and establishing half-way homes or group homes in additional to residential treatment facilities for youth.

They have also indicated that our young, pregnant women who are at risk of bearing fetal alcohol syndrome may need a safe home—a prematernal home. It has been conceptualized, and it has been recommended for funding.

But in the meantime, for us Alaska Native people to go through and to accomplish these tasks, we not only need the commitment, but we need programs for alcohol and mental health, specifically and systematically to upgrade existing native staff, to provide training for native people, to actively recruit for native staff, and to enforce existing EO policies. This must come from the village level up.

That summarizes my testimony. Thank you.

The **Chairman**. I thank you very much.

These two questions were submitted by the young lady. How many mental health offices are managed by the IHS?

Dr. **Richards**. We basically have contracted projects with 10 different contractors, and then we have direct services at a medical center in Anchorage, as well as limited backup systems. So management is largely under the tribal organizations, and they get the money from us and use that to supplement monies that they get from others.

The **Chairman**. So eleven plus backup?

Dr. **Richards**. Yes.

The **Chairman**. Have any autopsies identified any common disease or medical problem that the alcoholics and suicide share?

Dr. **DeLeo**. Not that we are aware of.

The **Chairman**. Well, one thing for sure is that most of them are alcoholic.

Dr. **DeLeo**. Right.

Dr. **Richards**. A lot of the suicidal behavior is younger people who are relatively healthy, and often it seems to be some of the best people—smarter people, doing better in school.

We have tried doing case-study autopsies trying to see if we could predict who was suicidal or not, and it is often people that seem like they're doing quite well. They may be more sensitive to some of these culturation stresses.

The **Chairman**. Well, I thank all of you very much for your patience. We will stand in recess until 7:30 when we reconvene in the Adventure Room, Captain Cook Hotel.

[Recess.]

EVENING SESSION

The **Chairman**. Dr. Graf.

STATEMENT OF DR. MICHAEL GRAF, PH.D., DIRECTOR, MENTAL HEALTH SERVICES, TANANA CHIEFS CONFERENCE, INC., FAIRBANKS, AK

Dr. **Graf**. Senator Inouye, thank you. I am astounded at your endurance, and delighted to be able to testify. I am also aware—and hope that you will be, as well—that there are an awful lot of people in the State far better qualified than I am to talk about the mental health needs of Alaska Natives.

I know in your extensive travels over the next few days you will be meeting some of those people. I hope that some of them will take an opportunity—and I'm sure that they will—to discuss with you the mental health needs at a village level.

I have submitted written testimony to the committee, and I won't go through all of that today.

Subsequent to submitting that testimony, I did have an opportunity to read the testimonies submitted to the committee on July 7 by the agencies, Dr. Nelson, and others. I did have some reactions to that that I wanted to share with you today.

In Dr. Nelson's testimony he talked about the mission of the Indian Health Service Mental Health Program, and it is a mission I feel very strongly about and that I support. The mission, as he explicated it, is to provide access for all American Indian and Alaska Native persons to mental health services which are appropriate to the nature and severity of the mental illness, high quality, sensitive, and responsive to the cultural values of the individual, family, and community. That's pretty wonderful stuff.

I believe that is not just the mission of the Indian Health Service Mental Health Program, but, indeed, it is the obligation of the U.S. Government to provide access for all American Indians and Alaska Native persons to mental health services that are appropriate, sensitive, and responsive.

He went on to report to the committee that the fiscal year 1988 Indian Health Service Mental Health Program budget to accomplish this mission was about $12.5 million. I don't have a transcript of the proceedings, so I don't know whether the room was rocked with laughter or not.

As I understand it, in his testimony he said that the proposed fiscal year 1989 budget would be about $13 million.

When I was a kid I heard about the miracle of the loaves and the fishes and how Jesus fed the multitudes. I learned about a bunch of those things. Those are acknowledged as miracles. As far as I know, neither the Indian Health Service nor anyone else has been able to do similar things very reliably since.

I know that sometimes the Government hopes to accomplish miracles with regulations or by promulgating standards, but by and large that is not a reliable way to get things done. And certainly $13 million to provide for access to care for mental health needs for all the Alaska Natives and American Indians in the United States is a grossly inadequate figure.

The CHAIRMAN. I would add a footnote that amount for mental health is slightly over 1 percent of the total IHS budget.

Dr. GRAF. Thank you.

Now, unfortunately—and I kind of searched for a metaphor that wouldn't really cast discredit on some very good and very honorable people who are working exceedingly hard within the Indian Health Service, because I certainly don't hold anyone in the Indian Health Service responsible for the level of their budget. It is not something they have a great deal of control over.

But, unfortunately, the Indian Health Service Mental Health Program is bankrupt, as I understand the term "bankrupt." It has been since its inception. It has enormous obligations. It can't possibly meet those enormous obligations without a massive capital infusion.

I am not talking here about throwing money at problems. I'm talking about meeting legitimate obligations that are long overdue.

But the program as a whole right now has obligations that have not been measured in dollars and has resources that are minuscule.

Now, you've heard testimony on the extent of the medical and social and psychiatric problems in Alaska, and I'm sure you will be amply provided with documents such as the State mental health plan and perhaps the State health plan—vital statistics, annual reports, and a lot of other documents that if you don't have now I'm sure will be provided to you. In them you will find extensive documentation of Alaska Native high rates of child abuse and neglect, fetal alcohol syndrome, suicide, homicide, substance abuse, accidental death—the list goes on and on.

I wanted to give you a little example of what access amounts to in the State, as I experience it. An example that is fairly close to me: I work in the Tanana Chiefs Region. That is the one that was mentioned to you as 235,000 square miles. Within that region we divide it up into sub-regions, which is a hub village surrounded by about a half dozen villages. Fort Yukon is one such hub.

Back in 1977 I used to travel to Fort Yukon every other week for an overnight trip, and that constituted the mental health services for Fort Yukon and the surrounding six villages.

I did that for a while, and the State began funding some community mental health services. We were able to put a State-funded clinician in Fort Yukon.

As you would expect, there are no roads in the area. So we have one professional mental health provider right now—Dr. Christine Swanson—who lives in Fort Yukon and serves Fort Yukon and the surrounding half dozen villages.

Now, to visit any one of those villages usually takes an overnight trip, so if she set out to make one overnight trip per week she is going to get to each village once every 6 weeks. Once every six weeks isn't much in the way of services, and that means she is out of Fort Yukon 2 days a week where she is presumed to be on call and available 7 days a week.

I can tell you from experience that if you set out to make an overnight trip every week, with Christmas and bad weather and unreliable flight services and holidays and required meetings and other such things, at the end of the year you won't have made 52 trips, you will have made about 25.

So those villages, instead of getting a visit every 6 weeks will, if they are lucky, get a visit about every 12 weeks—about once every 3 months. Quarterly visits. That's about the best they can hope for with one provider.

Now, all of those other factors that made it impossible for her to get to those villages tend to usually keep her out of Fort Yukon, as well, and Fort Yukon is without services for an average of at least 2 days a week over the course of a year.

Biweekly trips to those villages means that there are a lot of things you can't do. You can do a little bit of assessment, a little referral, some quick consultation and some of those things. You're sure not going to do any counselling or psychotherapy.

There are a lot of things you can't do. You can't even do a good job of supervising a local volunteer or paraprofessional if you only see them once every three months, nor do you develop good relationships with people.

You asked earlier today if there are any Alaska Native psychiatrists or psychologists practicing in the State, and the answer was no. Of course, Dr. Swanson is not an Alaska Native, she is not an American Indian. She is a white woman from Utah. So she is a white woman from Utah who flies into a village maybe once every three months and she is supposed to, in those quarterly visits, be able to do the kind of evaluation and working with families and so on. So there is a lot that she can't do, and a lot that she can't do very well with quarterly visits.

I could go on about access to mental health services in Fort Yukon and those surrounding villages. I think that my point is fairly clear. No program such as that should have fewer than two professionals and several local counselors, as well. It just doesn't work otherwise.

If we are looking at Alaska alone, the cost to begin to provide an adequate level of services is not going to be met with $13 million, or if we doubled that. But what can the Indian Health Service do?

I think first the Indian Health Service and Congress, especially, does need to recognize the needs that we are talking about as a Federal responsibility. I was certainly encouraged to hear you expressing your acceptance of and belief in the Federal responsibility for a lot of the services.

That doesn't mean that everything is the responsibility of the Indian Health Service.

For example, in 1981 we were able, for the first time ever, to send a psychiatrist out to these small mental health programs once a quarter to do medication checks, provide consultation, and so on. We got that psychiatrist through the National Health Service Corps. He was with us for several years. In 1983 he went outside so his wife could go to medical school. When he left, by that time the National Health Service Corps was effectively dissolving, and with it dissolved our ability to recruit psychiatrists. Recruiting psychiatrists is a nationwide problem. It is a big problem all over Alaska. It is not just an Indian Health Service problem, but it is one that, if there is to be an Indian Health Service mental health initiative, needs to be considered as part of that.

Does the Federal Government have any responsibility in making sure that critical health care providers are available to American Indian and Alaska Native populations? I think it does. I think the Indian Health Service has some involvement in that process.

Psychiatric research isn't an Indian Health Service responsibility; it is mostly a National Institute of Mental Health responsibility, but one that an Indian Health Service mental health initiative should certainly have some involvement in.

In looking at that question of what kind of research we need, we have been talking some about a mental health initiative, and I have to confess that I really don't know what the current, projected, or planned or proposed mental health initiative is. We have been told rumors that it is something like a doubling of the current budget. That sounds like a lot until you look at $13 million.

I thought a little bit, before I came down to provide testimony, about looking for something in the Federal budget that we were spending $13 million on. It was ludicrous. I thought about how you see these things every day, and I'm sure that you do. You could give me a very long list of what $13 million will buy.

In the case of mental health services, it won't buy much. And doubling it will still not buy much.

I think that the bottom line is that the Indian Health Service should settle for nothing less than adequate health care that includes psychiatric care for Alaska Natives.

One thing that I am concerned about is that in increasing resources, that the resources not be funneled just into Rockville and Albuquerque, or even into Anchorage. Doing so will not increase services and will not increase access to services in Fort Yukon. It just won't do it. I'm not even convinced that it will improve the services in Fort Yukon or in those surrounding villages. I'm kind of dubious about how much we can improve services in Fort Yukon by putting dollars into any number of special initiatives elsewhere.

I think we need standards, we need regulations, we need technical assistance. But those things will not increase access to services. The only thing that is going to increase access to services is more resources.

I do support the Indian Health Service Mental Health Program's mission statement. I support its obligation to carry forth that mission, and I hope that Congress does, as well.

Thank you.

[Prepared statement of Dr. Graf appears in appendix.]

The CHAIRMAN. Thank you very much, Doctor.

Before proceeding I would like to make a short statement.

I have noted that several witnesses have said a few unkind things about the Indian Health Service. I suppose the service does, at times, deserve a little criticism.

But I would like to point out that the IHS is an instrument employed by policymakers to implement policy. There is very little flexibility provided to them. They have to abide by the rules of the Office of Management and Budget. They have to abide by the limitations set forth by Congress.

And so, in my personal discussions with IHS officers, I can assure you that if they had their way that account would be at least four times what it is.

Speaking of mental health, I think those of you who have followed that discipline for the past 20 years would know that 20 years ago politicians were reluctant to even touch the issue mental health, much less support it.

It was only recently that psychologists were declared to be autonomous providers of services under CHAMPUS. Up until then they had to work under the guidance of psychiatrists.

One must take all of this into consideration when you look at the picture of mental health. It is only recently that we have been providing sums. Minimal though they may be, at least we are providing money now.

That is why we put this on the agenda, so that we can get sufficient testimony to be able to present a record to my colleagues on the importance of mental health—that the amounts appropriated would be woefully inadequate; not to criticize IHS, but to actually support them and show them up.

So I wanted you to know that as far as this Senator is concerned, I think the IHS is doing a good job considering its limitations. And when you look at the outside world and realize how much doctors make, it is miraculous that some of these fellows would stick around here working for peanuts when they could be out there driving Ferraris.

Maybe we should say thank you to IHS. [Applause.]

Our next witness is Ms. Cecily Martin. Oh, Ms. Martin is not here. Then our next witness will be Ms. Myrna Orme.

STATEMENT OF DOUG MODIG, DIRECTOR, ALCOHOL DEPARTMENT, RURAL ALASKA COMMUNITY ACTION PROGRAM, ANCHORAGE, AK

Mr. Modig. My name is Doug Modig. I work at Rural Cap. I am the Alcohol Program Director. Myrna was unable to come here today, and asked if I would be here in her stead with your permission.

The Chairman. Fine, sir.

Mr. Modig. As I said, I am the alcohol program director, and I recognized that what you were going to hear was a lot about what the problems are in Alaska, and with a lot of specific statistical data to suggest that these things are really so. And I tend to believe that. I have seen a lot of the problems in Alaska face to face.

Rural Cap is an agency that is involved in what we call "overcoming the causes and conditions of poverty." We define "poverty" in three different ways: the poverty of access, economic poverty, and poverty of spirit.

In terms of alcoholism and the development kinds of efforts that we are doing, most of our efforts are in spirit. So our program, then, operates a little bit differently than most programs do.

So within the context of describing mental health and how to approach it, what I had decided to make my testimony about was some of the things that we have observed, based upon face-to-face conversations with people in the villages, actual work in villages, gatherings of native people in arenas such as the Rural Providers Conference, the Village Participation Conference.

I listened very closely to the testimony that was given here, more in an effort to know and understand what is the current with Alaska Natives and what is happening in our villages.

We include very much of our own cultural ways, including listening to elders.

Now, it follows, then, within the elements of excellence in programming includes coming from a place of operating from principle. I tend to agree with what you said earlier in that the development of community needs to come from within. We, as a people, if the problem lies within the Indian community, then the answer comes from the Indian community, as well.

And putting some teeth into that kind of a principle suggests that development does come from within, and that the answer comes from within.

Although I wouldn't turn down $100,000 or $1 million or something like that, I would say that if money were the only answer, that we would have solved these problems hundreds of thousands of dollars ago.

I think that we need to mobilize our most valuable resource, and that is our own people.

The second principle is that if there is no vision there is no development. If we experience a poverty of spirit, then in many ways it is brought about by having too much done to an indigenous people.

We used to do just fine without a lot of outside interference. As a matter of fact, when we began to conform to the systems that are in place now that is when we began to have some of the problems of coping with the world today.

The biggest difficulty is when we lose our vision and we cannot see where we are going. Some of the manifestations of no vision come when our children start to kill themselves, when our people that have traditionally been strong and powerful begin to drink themselves to death, when we begin to experience a lot of frustration, and on and on.

The third thing is that learning needs to be at the center of development. The only way that we can meet the challenges of today is to learn new things. Learning needs to be at the center. We need not to bring in professionals, although I consider myself a professional. I think that the essential element of learning comes from within the community. We need to transfer the available technology of the things that we know to people that live in villages, not create experts.

There is a lot more to this. If anything is unclear to you I'd like for you to interrupt if you want.

The last principle—and, by the way, these principles were best articulated by the Four Worlds Development Project in Canada, and we borrowed them with their permission.

The fourth thing is that community development and personal development need to go hand in hand. We begin to see economic development as having a direct relationship to alcohol prevention. For example, if a person is drinking and can't hold a job, then we have got to get the person sober so that he can get a job.

But then, again, if there is no work in the village, we need our people to begin to develop the work and economic possibilities within that village.

So you begin to see the relevance that personal development and economic development need to go hand in hand. They need to fit together. It is part of a holistic process.

We, as an Alaska Native people—myself included—have experienced this notion of rapid culture change. And the first difficulty that we might have experienced would have been the adjustment. Could we accept this kind of change?

I must say that there are some things that we could accept very readily, and some kinds of new technology is one. For example, when I was growing up I used to cut wood with an axe, and somebody turned me on to a power saw and I really liked that. I could cut a whole winter's supply of wood in 3 days, whereas with an axe it would take me about 3 months to do that. So there are some really good things about technology.

If you can begin to look at development and development ideas, treatment ideas, prevention ideas, as technology, those technologies need to be transferred to villages. They need to be transferred somehow, because the challenges of today are nothing compared to when I was growing up.

When I was drinking or being involved with chasing around—not that I chased around, you understand. [Laughter.]

The worst that would happen was that maybe I'd come home with a headache or something like that. Today our kids could take some dope and die. There are some very healthy athletes that have had that happen.

You could be involved in a relationship with somebody that has a dirty needle, or be engaged in a sexual relationship with somebody that has been involved, and on and on and on, and the results of that are fatal.

Myself, at 39 and pushing 40, I didn't have to face any of that when I was a kid.

We need to learn these things. We need to be able to take what is available in terms of technology and transfer it in order for us to develop as a people. We can't stand still. Change is a fundamental principle.

So that in terms of training a team to work with villages—and this is a suggestion—in that if you are beginning to have people involved in villages, there are some things they need to know. One is that they need to develop relationships with the community members. You can't come into a community and expect people to listen to you. You don't want to talk to somebody you don't even know. At least I have never been that way, myself. I need to know who the person is that I'm dealing with.

I feel that I am man enough to be able to stand up to any man, regardless of where they come from. And the only way that you begin to make meaningful progress with a village, in terms of transferring one to the other, is if you have a relationship.

If you are always trying to somehow inject or instill, or by osmosis, perhaps, convey something to another person, it isn't going to happen until you have a relationship with that person.

The second thing is that in some way you need to come to a place of promotion—of influencing change rather than trying to force change. Because when you try to force change, people tend somehow to resist. We get told to do enough things already.

The third thing is that there needs to be some form of intervention, some meaningful kinds of contact with another human being.

That leads to the fourth part, which is the actual transfer of one set of information to the other person, which we call "training"—development kinds of training.

Within this process we need to heal. As a people we need to heal.

Some people may think that it is just a matter of fact that there is a lot of alcoholism, a lot of child abuse, a lot of suicide, and on and on and on. These things can be described in a lot of ways as different forms of losses that we need to heal from, and we need to begin to define them in that way so that we can facilitate people through that process.

And then from that healing comes a certain amount of growth. We begin to grow as human beings. We begin to see the world perhaps as a viable, wonderful place to live. But it takes growing to do that when your only reality that you see is the pain that we experience in our hearts.

And then at that point we need to take a look at what we are doing and ask ourselves if it is working and begin this process all over again.

Senator, I am very impressed with your listening. I have sat and watched very closely all day the attention that you have paid to the people here, and to me, and I very much appreciate that.

For myself I say welcome to Alaska, and I hope your stay has been very good, and I hope that the things that I have had to share with you will be meaningful and useful to you.

Thank you very much.

The CHAIRMAN. I thank you very much, sir. I can assure you that they have been meaningful.

I think this is an appropriate spot to place this article in the record. Last Sunday, August 28, the "Washington Post," one of the great newspapers of this country, had a major article entitled, "After the Tragedies, Alaskan Villages Work Together to Stay Sober." It is an article by Mr. Hal Bernton. Without objection, this article will be made part of the record at this juncture.

[Article appears in appendix.]

The CHAIRMAN. It is a story of how Alaskans have gotten together and worked out their solutions for their problems. It is a good success story.

I thank you both very much.

Our next panel consists of: Mr. Moses Pavilla of the Atmautluak Tribal Council; Mr. Gary Harrison of the Council of Traditional Government.

Which one are you, sir?

Mr. HARRISON. I'm Gary Harrison.

The CHAIRMAN. Mr. Harrison, it is good to have you with us. Please proceed.

STATEMENT OF GARY HARRISON, REPRESENTATIVE, COUNCIL OF TRADITIONAL GOVERNMENT, CHICKALOON, AK

Mr. HARRISON. There were a couple of things I noted during some of the testimony that I didn't know whether I felt there might need to be a little bit of clarification before I go into what I have to say, and might be part of the problems, also.

One of the things is that these regional organizations don't represent the tribes. The States don't even recognize a lot of the tribal courts here, let alone their decisions. The State of Alaska Supreme Court has recently ruled down on sovereignty, which basically means all tribal courts and everything else. I have been in these courts over our license plates and a few other things, so I understand that the State does not recognize tribal courts, because we have entered in some of our tribal court decisions into the court, which is——

The State has just gotten $15 million added to their mental health budget this year, and the way I see it, seeing as how the tribes haven't been getting their fair share of this mental health money from anywhere, it is all given out to do-good societies and stuff to do for these Natives what they think is good for them. That's not always what should be, as the record provides.

Anyhow, I just wanted to clear up a couple of those matters.

We are very pleased to have you here in our country to listen to our disgruntled opinions on these particular topics of discussion. They all tie together, sometimes in peculiar ways, but it all is based upon the usurping of resources.

I look upon the city and see all the money in the buildings and things. They all belong to non-native interests. Through different acts it has all been stolen from the Natives. The majority of natives cannot buy the quality of life that they see in their homeland, and that the usurpers can afford.

The natives have not the qualification and education that non-natives have. For the few dollar-paying jobs in the village, the qualifications are set high, that is, Indian Health Service Employment Notifications and other Government contracts.

Young native women go with non-native men. The native men at times see this big, vicious circle and feel unable to do anything about it. Our young native men are killing themselves or trying to drown their sorrows in alcohol.

When our men try to work on problems under the influence of alcohol they get thrown into jail or mental institutions. The State of Alaska then has control of what resources he or she has, like custody of the children or their native corporate shares of stock.

This is also bringing us to become a welfare program nation. Native women that native husbands for the father of their children must often split up in order to quality for welfare. Then the men are told that they cannot see their children. This has caused irreparable harm.

To top this all off, the State of Alaska my then take or foreclose on their native corporation stock. This is a condition placed on a people that causes serious physical and mental harm.

The State of Alaska's annual mental health statistical report for fiscal year 1987 states, "Alaska Native peoples make up 30 percent more than twice their percentage in the State's population" on page 21. On page 23 it states, "Behavioral problems due to social conditions, 54 percent." On page 25, "Serving the most economically disadvantaged segment Cook Inlet Area has the highest 75 percent rate."

CIRI is purported to be the most successful, and has the most mental problems, and has the people that are the most poverty stricken.

The State of Alaska has lost a major mental health lawsuit and is now revamping its system. Now would be a good time for some change and a working relationship.

It just so happens that CIRI publishes a newsletter to its people, and in this newsletter CIRI meets with T. Boone Pickens. I'm sure that his record speaks for himself as being a corporate raider.

The Genocide Treaty—International Convention on the Prevention and Punishment of the Crime of Genocide—states in article

II(b) on acts constitution genocide, "Causing serious bodily or mental harm to members of the group."

Now, this thing called Land Claims Act is directly causing physical and mental harm to the natives. In 1968 Congress passed the Indian Civil Rights Act. In this act it called for tribal consent. Well, no tribe has consented to the act, and no tribe was consulted with.

The Land Claims Act was passed 3 years later with no tribal consent. The act took away their land, their resources, minerals, coal, oil, waterways, fish, moose, and birds. The State even claims the air.

Every law that was concocted was all conducted in English by nonnatives to natives. The act is so complicated even the highly educated bureaucrats, attorneys, accountants, and business people don't even know what the act has done, let alone a person who is struggling with the language.

The 1991 amendments do not change or even address the basic problems, but makes more paper for the sharks to feed off the act.

A local newspaper conducted a 10-day series on native suicides, "A People in Peril,"—which I noticed that Hank Ostrosky gave you a copy of that—in the January 10, 1988, "Anchorage Daily News." The article states that Alaska Native are four times as likely to commit suicide.

Even when the natives come to the cities in search of jobs or a new life, natives in Anchorage are three times more likely to be raped, four times more likely to die a violent death. The same type of facts continue in the prison system and the health system.

There is a way out. That is for the Federal Government to start honoring the joint Interdepartmental Arctic Policy Act, to change laws and ways to live with the natives. The present system, plain and simple, is killing our people.

I have been watching a trial on herring eggs and kelp collection of the natives based on the Lacey Act. I have seen how they scared these defendants into plea bargaining out on rights that this Lacey Act specifically exempts.

It would be nice to work on a government-to-government basis to work out our problems. The State of Alaska refuses to even meet with us, Chickaloon Village Traditional Tribal Council, let alone work out our problems. It would be cheaper, rather than take each issue to court, to deal on a government-to-government basis.

The U.S. attorney states that they may only prosecute, not help. I went there and asked them, and they sent me a letter. I don't have the letter off-hand, but I do have the letter.

There is no rights protection office in the area at BIA. The Alaska Delegation—Stevens, Young, and Murkowski—will not listen, either. It just so happens that there is a group of us—some of them are in here—who were the last ones to see Senator Stevens as he was leaving the AFN Convention, saying we did not agree and that there was a bunch of people unhappy. I was sitting there watching TV, and he said, "Well, I didn't know."

This problem with who is eligible for Indian Health Service is a problem that is very worrisome. For instance, using the Alaska Native Claims Settlement Act corporate rolls for eligibility does several things. For one thing, ANCSA rolls automatically rule out many natives now receiving benefits that by all rights are eligible. Also, it tries to put credibility into organizations, taking of tribal rights and tribal contracts, that is, the BIA and State contracts, like Cook Inlet Region, Inc. Formed through the State system a tribe now named Cook Inlet Tribal Council, Inc., and also Southcentral Foundation, they have not only the former contracts administered for all natives in this region, but CITC, Inc., would then have control over who is eligible. Under these rules, it would leave out the children.

There is much more that can be told, but it is hard to put in such a short time.

I notice that your itinerary states that you will be visiting—and wooed by—the corporation and the State. I hope that through all this you hear the cry in the wilderness and call for the ratification hearings on the Treaty for the Prevention of Genocide that has been signed by the President of the United States.

Thanks.

[Prepared statement of Mr. Harrison appears in appendix.]

The Chairman. I thank you very much, Mr. Harrison. I don't know who you mean by the big powers that are going to be wooing me, but it is people like you who have been wooing me all day long.

May I once again request most respectfully that we show some consideration for the witnesses to follow. Now, I don't mind sticking around here until 12 or 1 in the morning. Maybe you don't mind that either. But if we continue to speak too long I will have to exercise my prerogatives of chairman and just cut you off. Believe me, I am good at cutting witnesses off, which I don't want to do. I want to be reasonable and fair with all.

Are you Moses Pavilla?

Mr. Chikoyak. No; Senator Inouye, the gentleman that was supposed to testify, Moses Pavilla, did not come in. But Oscar Nick from the same village decided to take his place. He is going to present his testimony in Yupik, and I have been appointed to translate.

The Chairman. I am certain that you heard me. I hope you will keep the testimony to a reasonable length.

STATEMENT OF OSCAR NICK, ELDER, ATMAUTLUAK VILLAGE, AK; TRANSLATED BY ANDREW CHIKOYAK, TRANSLATOR, TUNUNAK VILLAGE, AK

Mr. Nick [as translated]. I am requesting that I would like for the committee to somehow assist his village as far as funds because the village does not have any funds to hire workers in which to administer the tribal government.

I would also like for you to somehow request the Federal Government to respond to their requests for law enforcement. In the past, they have requested further assistance from the Federal Attorney, but many times they refused to law enforcement assistance.

The Chairman. Will you tell the distinguished elder that this committee will be in Bethel the day after tomorrow, and at that time I will be very happy to sit with some of the council members and discuss this in greater detail?

Mr. Chikoyak. [Remarks to Mr. Nick in native tongue.]

Mr. **Nick** [as translated]. We would be very much thankful. My village is not the only village that goes through the same problems.

When it comes to this kind of important meeting, what they usually do is raise funds out of their own pockets. We donate out of their own pockets to send representatives.

We would very much be thankful if you would give them some kind of assistance as far as funds. And that many times, when important meetings like this come up they don't have money so they don't usually come.

The **Chairman**. Will you advise and assure the distinguished elder that, although I cannot speak for the U.S. Congress, I am just one member, that as chairman of the committee I will see what can be done to help his tribe?

Mr. **Chikoyak**. [Remarks to Mr. Nick in native tongue.]

Mr. **Nick** [as translated]. On behalf of the gentlemen of my village I would like to thank you for giving me a chance to give my oral testimony.

The **Chairman**. Will you tell the distinguished elder that this committee is honored that he took the time, at great expense, to be with us this evening?

Mr. **Chikoyak**. [Remarks to Mr. Nick in native tongue.]

Mr. **Nick** [as translated]. Thank you.

The **Chairman**. Thank you.

Is Ms. Diane Olsen from the Alaska Attorney General's Office here?

[No response.]

The **Chairman**. The last panel testifying on the Mental Health Initiative consists of: Ms. Lorraine Jackson, Health and Human Services Deputy Director of the Copper River Native Association; Ms. Evelyn Tucker, director, Alaska State Mental Health Board; Mr. Joseph Lomack, elder, representing Yukon- Kuskokwim Corporation.

Welcome, and thank you for coming back.

Are you Ms. Jackson?

Ms. **Jackson**. Yes.

The **Chairman**. Please proceed.

STATEMENT OF LORRAINE JACKSON, HEALTH AND HUMAN SERVICES DEPUTY DIRECTOR, COPPER RIVER NATIVE ASSOCIATION, COPPER CENTER, AK

Ms. **Jackson**. Honorable Senator Inouye, my name is Lorraine Jackson. I am presently employed by the Copper River Native Association, which is a tribal association serving the people of Ahtna region. I also serve as the secretary of the Alaska Native Health Board.

I wish to thank you for the opportunity of testifying today on behalf of Copper River Native Association on the Mental Health Initiatives for native Americans.

I would like to emphasize that support for the mental health initiatives for native Americans also benefits the other agenda items presented at this hearing.

The Copper River Native Association currently contracts with the State of Alaska to provide mental health services in the Copper

River Basin, which consists of several small rural communities and villages within a geographical area approximately the size of the State of Ohio.

Presently the Indian Health Service provides no funding for the mental health services in the Ahtna region. State regulations and philosophy regarding service delivery to Alaska Natives often lack the understanding and commitment necessary to properly address mental health issues in rural native communities by restricting resources and methods of service delivery.

The State mental health grant allows for one full-time and one half-time professional mental health counselor to serve the total population. The vast distance between these rural communities makes it difficult to provide adequate mental health services, particularly in the winter months when travelling can be quite hazardous.

With regard to the provision of mental health service for rural native villages, the thrust of Copper River Native Association is toward community development. This approach ensures community involvement and participation in the resolution of their own identified problems. Currently there is a lack of necessary resources to build village-based programs capable of addressing the mental health issues.

For several years alcoholism has continued to be the number one health problem identified by then active people of the Ahtna region.

As efforts toward substance abuse prevention, education, and treatment have progressed, there are signs that some communities have entered into a recovery process. A new pattern has emerged in which mental health issues are now becoming more visible. These issues include: dysfunctional behavior patterns of children reared in alcoholic homes; marital and families issues; various types of physical, sexual and emotional abuse; suicidal problems, and; loss of cultural identity.

It is imperative that this recovery process continue through the creation of village-based mental health programs which will be culturally relevant and make more efficient use of the limited mental health resources now available through the State programs.

Your support for mental health funding through the Indian Health Service to the native communities would serve to enhance our ability to serve the native people of our region.

I would like to reiterate that the community development seems to be the way that the Indian people can help each other again. We have lost touch with each other. For me, it is a way of having your knowledge in touch with people's feelings and their needs.

Too often we hand out services, but we don't grasp the feelings of the community.

For the past 2 years, the Copper River Native Association cosponsored a gathering with Rural CAP, and at this gathering we discussed the problems of alcoholism, and out of the alcoholism stems the problems that I have mentioned.

I personally think that this is the way to go—to have it village-based. I think it is a need for the village to have their own mental health programs so that they can have someone there that they can talk to.

As I mentioned before, now that people are sobering up, these problems are emerging.

I want to thank you for allowing me this time to present this testimony.

[Prepared statement of Ms. Jackson appears in appendix.]

The CHAIRMAN. Ms. Jackson, although there are no Native Alaskan psychiatrists and psychologists, are the mental health workers or assistants working at the tribal level Native Alaskans?

Ms. JACKSON. No; they are not. You're talking about the counsellors?

The CHAIRMAN. Yes.

Ms. JACKSON. No; they are not Alaska Natives.

The CHAIRMAN. Don't you have any?

Ms. JACKSON. No; we don't have anybody working in the mental health programs. This is something that we would like to strive for.

The CHAIRMAN. Is there any program at the University of Alaska to train Native Alaskans in these fields?

Ms. JACKSON. Not that I know of.

Ms. TUCKER. May I address that?

The CHAIRMAN. Yes, ma'am.

Ms. TUCKER. The Mental Health Board of Alaska will be—I have been asked to set up meetings with the board of regents and with AFM and other native groups about a program to provide training with career ladders for paraprofessional service providers so that people could get beginning training and have a vision of where they could go within the system up through the university. We are just starting to talk about it.

The CHAIRMAN. Well, I am glad that you are doing that. If I can be of any help in that area, do not hesitate to call upon me.

In Hawaii, I am happy to say that the University of Hawaii Medical School has, since its inception, carried out a very vigorous program to recruit native Hawaiians. We don't call it affirmative action because that suggests that you are dealing with inferior people.

But our recruitment has paid off. Ten percent of the graduates of the medical school are Native Hawaiians, and we have been able to graduate psychiatrists and surgeons. And I am further happy to say that all of them are working in Hawaii. The school of public health also has a similar record. And I am certain the University of Alaska would be pleased to participate in a program such as that.

I think, as one of the witnesses indicated, in dealing with problems of this nature, it would help if the counselor is someone that the patient can relate to. So I wish you the best, ma'am.

And you are Ms. Evelyn Tucker?

Ms. TUCKER. Yes.

The CHAIRMAN. Please proceed.

STATEMENT OF EVELYN TUCKER, DIRECTOR, ALASKA STATE MENTAL HEALTH BOARD, ANCHORAGE, AK

Ms. TUCKER. Thank you, Senator Inouye. Thank you for coming to Alaska to talk with us directly. I think that's very important.

Much of the frustration and depression in native communities is the result of people not being able to affect what happens to them, their families, and their communities. If it doesn't matter what you say or how you feel or what you do, after a while most people give up. We stop getting up in the morning, we get sick, we drink, we take foolish risks when we drive boats and cars, and some of us commit suicide.

Alcohol, drug abuse, and suicide are not the only mental health issues for native people in Alaska; they are just the most obvious symptoms of underlying problems.

It is hard to describe how overwhelming the problems and their interrelationships are. Native people need to find healthy ways of living, and then they need health options. When someone decides that they're not going to depend on booze or look to anyone else to take care of them, that they're going to take charge of their own lives, they need to be able to do that. They need to be able to provide for themselves and their families.

When we look for solutions to the problems in Alaska, we need to look for a range of opportunities, starting with mental health and moving to such issues as economic development and protection and enhancement of subsistence resources, so that once communities get healthy, they have the resources to stay healthy.

Hidden—or I should say abandoned—in all of this are the chronically mentally ill. Because of their illness, these people are frequently disenfranchised from their families and communities at an early age. People from rural Alaska are sent to urban institutions to receive services. At some point, they end up on the streets of one of our urban centers. There they live lives of privation and unspeakable loneliness.

Apart from the immediate and individual concerns are the concerns that this system stresses the resources of urban communities and exacerbates existing racial stereotypes and tensions.

The fact that most of the chronically mentally ill native people from throughout Alaska live on the streets of our urban centers tends to color the view the majority population has of native people and native culture. This is exacerbated by the fact that many of our chronically mentally ill also develop problems with alcohol.

Some native communities and organizations—and you have heard some about that—have started to develop their own support systems. These are locally-based systems that provide help and support for recovering alcoholics, the chronically mentally ill, for those who are grieving, for victims of sexual abuse, and even for the elderly. I ask that you explore the potential for these kinds of systems as you examine options for Alaska.

As frustrating and depressing as it is to admit, we must all keep in mind that these problems will not be solved quickly. It took several hundred years for us to get where we are right now, and we won't get away from this in a few years time. Change, especially in the beginning, will be slow.

After writing this I reviewed the IHS agency written testimony. I was struck by the frequent references to depression. We have a lot of chronic depression in native communities.

There is a growing movement in the native community of Alaska today toward characterizing what is going on here as grieving.

Native people have been going in circles for several generations trying to process a history of lawsuits. Those circles have become vicious cycles that create more lawsuits.

I prefer the term "grieving" as opposed to depression because we all know something about grief and grieving. It is a fact of all of our lives.

We know that people can recover from grief. We know that people handle grief better if they have resources—family, friends, counselors, clergymen, time off, vacations—all the support that you would try to provide for your family if you had the resources.

And we know that grieving takes time.

Thank you Senator and members of the committee for giving me this opportunity to tell you what I think and how I feel. I hope it makes a difference in the future.

[Prepared statement of Ms. Tucker appears in appendix.]

The CHAIRMAN. Thank you very much, Ms. Tucker. And I wish you well in your endeavor with the University of Alaska.

Ms. TUCKER. Thank you.

The CHAIRMAN. Thank you.

Now we return to the agenda we began in the morning, and this is on the amendments to the Indian Child Welfare Act.

I do not know if you people have noticed this, but most of the witnesses are women. I would like to congratulate the women of Alaska—especially the native Alaskan women—for their commitment and dedication and interest in these vital areas.

In all of the trips I have taken, this is the one thing that has struck me and impressed me. In other native American areas most of the witnesses are men. I see Alaskans have good sense.

[Laughter and applause.]

The CHAIRMAN. This might be appropriate at this stage. Last year we observed the bicentennial of the Constitution of the United States. It was a very important celebration, because this is the document that has kept us together.

Some have stopped to ask the question: where did our Founding Fathers get the idea of a democracy? The idea of the executive, legislative, judicial branches of government—after all, if you study the history of that period you had a group of people in Europe and Asia who felt that they got direction from above, there were kings, divine rulers, despots, military dictators.

If you read the writings of Washington, Jefferson, and Franklin you will see many references to the Confederacy of the Iroquois Nations. These were great Indians who lived on the East Coast of the United States. They had hundreds of years before the coming of the Western European to develop a sophisticated form of government that called for the election of leaders, the election of legislators, and the selection of judges, separation of powers. They had the concept of impeachment, the concept of recall. And, from the earliest days, women participated—they voted.

But the thing that struck me—which, unfortunately, Jefferson, Washington, and Franklin did not accept—was that the chief executive of the Iroquois Nation, the high man, was selected by the women elders of the Iroquois Nations.

They had brilliance which was not too evident during those days. They felt that if women did the selecting, the chief executive would be concerned about family, about children, and about peace instead of war and glory.

So the women of Alaska, I commend you.

Our next panel consists of: Mr. Raymond Neakok, member of the Inupiat Community of the Arctic Slope; Mr. Rex Okokok, president, Native Village of Barrow; Ms. Gladys Chessley, director of tribal affairs, Maniilaq Association; Ms. Joan Hamilton, family services worker, North Pacific Rim, Anchorage.

STATEMENT OF RAYMOND NEAKOK, MEMBER, VILLAGE OF BARROW AND IRA, BARROW, AK

Mr. **Neakok**. Thank you, [native word]. In our language that means a good man. You are a good man to come all the way up here to hear our story.

Your honor, I am Raymond Neakok, Sr., member of the Native Village of Barrow and Native Village IRA. I am also representative for the regional IRA of the Inupiat Community of the Arctic Slope in charge, by resolution, of representing all the children of the North Slope and Barrow in court cases when a child is a member of the tribe.

I have been representing children in need of aid since 1978 as guardian ad litem, appointed by the Alaska State Court.

I am also a representative for tribal governments for our members.

I objected to the appointment and advised the court that I would be in conflict of interest. I objected first in 1980 or 1981 in the Second Judicial District, Barrow, AK, by stating my conflict to the court.

I stated my conflict because I was a legally authorized representative to represent my members in court; and yet, at the same time, the State of Alaska Court appointed me as guardian ad litem. I had been stating my conflict of interest situation, but they put me on since 1980.

Then, all of the sudden, there have been a lot of cases since that time to 1985, at which time the State Court Assistant Attorney Marlin D. Smith objected, on April 9, 1985, to Raymond Neakok, Sr., acting as guardian ad litem, interpreter, and representative of the Native Village of Barrow. When this objection was recorded, all the members were no longer represented in court.

I have repeatedly asked the BIA to please let us have an attorney for our Indian Child Welfare Act cases. They have refused. I have yet to be legally represented in the State court because the BIA failed to authorize funds for our legal attorneys.

As a result of not having an attorney, our children are being sexually molested, kidnaped, displaced, and without parents, in the custody of the State court. Our children are being placed outside the jurisdiction of the tribal government with a legal ordinance which the Ninth Circuit Court recognized in 1983—that was the Tribal Employment Rights Office.

The definition of "exclusive jurisdiction of the tribes" is not being enforced, nor can it be made to be enforced without an attorney.

As stated by a letter from the Secretary of the Interior's Office, under the signature of Dodie Livingston, Commissioner, Department of Health and Human Services, and to emphasize the order, I want to read the last paragraph of her letter.

> Since these are grants to States and not entitlements for individual children, the States have the authority to allocate the use of these funds to set priorities for their use. Our region X office in Seattle works directly with States in that region on the provision of services for programs in which there are Federal funds. Therefore, I am forwarding your letter to Edward Singler, Regional Administrator for the Office of Human Development Services in Region X and asking that he have his staff contact you and the appropriate State officials on the provision of services to your Tribe.

I have not received any correspondence since her letter of August 6, 1987, from which I have quoted above.

We have over 270 children which the State has taken custody of since the end of 1983—since we haven't had legal representation. Last week alone they took 13 kids. This does not count the juvenile cases, which number over 700 children from a population of over 10,000 tribe members.

I don't mind them stealing my land, but don't start stealing my children. I'm a parent, and the State cannot become a mother or a father to my kids.

Thank you, your honor, for allowing me this opportunity to speak to you today on this matter that is very, very important to us. We are very grateful that you have taken your time and traveled such great distances to be with us today.

Thank you.

[Prepared statement of Mr. Neakok appears in appendix.]

The CHAIRMAN. I would like to assure you while you are sitting there that one of the amendments I will be recommending to the committee would authorize the Bureau of Indian Affairs to provide attorneys to the tribes as a tribe.

Mr. NEAKOK. Thank you, Your Honor.

The CHAIRMAN. Our next witness is Ms. Gladys Chesley.

Ms. CHESLEY. Thank you.

The CHAIRMAN. Ms. Chesley.

STATEMENT OF GLADYS CHESLEY, DIRECTOR OF TRIBAL AFFAIRS, MANIILAQ ASSOCIATION, KOTZEBUE, AK

Ms. CHESLEY. Mr. Chairman and members of the committee, my name is Gladys Chesley, Inupiaq Eskimo from Northwest Alaska. I am employed as director of Tribal Affairs with Maniilaq Association, which contracts with the Federal Government and the State to provide a wide variety of services to Native individuals, families, and governments in the Kotzebue area of Alaska, including services funded under title 2 of the Indian Child Welfare Act.

On behalf of Maniilaq Association, thank you for the opportunity to offer testimony on the Indian Child Welfare Act Amendments of 1987.

We appreciate the work of this committee over the years in enacting legislation designed to keep native families together. We are also thankful of this committee's tradition of supporting the role of tribal governments generally, and tribal courts in particular, in their continuing responsibility to protect the welfare of native children and families through effective tribal governance.

From our perspective, the starting point of this committee should be to address the jurisdiction of tribal governments in the State to take care of their children.

Recent court decisions have interpreted section 108 of the act in a manner prohibiting tribal governments in Alaska from utilizing tribal children's courts and other tribal resources to care for Native children in need of aid.

It is the opinion of the Alaska Supreme Court, and at least one Federal judge in this State, that by enacting Public Law 280 Congress intended to extinguish the authority of tribes to protect their children and replace it with exclusive authority of States such as Alaska.

Current case law in this State requires tribes to successfully petition the Secretary of the Interior to reassume jurisdiction as a condition precedent to fulfilling the duty under tribal law to protect the welfare of tribal children through direct and immediate tribal action. We do not believe Congress intended any such result.

Section 108 must be further amended to make it clear that tribal governments in Alaska have child welfare jurisdiction concurrent with the State. The ICWA amendments must confirm the position of Congress that the source of tribal jurisdiction is unextinguished inherent authority, and that the source of State jurisdiction is Public Law 280, which had no effect on tribal jurisdiction.

In our view, the proposed amendments are inadequate in eliminating the intolerable jurisdictional crisis arising from ICWA section 108. Instead of eliminating ambiguous and objectionable language, the proposed amendments add language likely to increase confusion.

Section 108 should not have been included in the original act. This mistake can be cured only by deleting section 108 of the amendments, and adding a congressional finding in section 2 that Public Law 280 was not intended to deprive tribes of any child welfare jurisdiction, and that section 108 has been misinterpreted in this respect.

This could be accomplished by adding the following language to section 2(5):

> That some State courts and others have mistakenly interpreted the intent of Congress by refusing to recognize the inherent child welfare jurisdiction of tribes, such as those in Alaska, whose authority remains vital without the need to petition the Secretary of the Interior to "reacquire" existing authority.

To complete the process of eliminating doubts about tribal jurisdiction in Public Law 280 states such as Alaska, we recommend that the following sentence be added to section 4(15), which defines a "tribal court":

> Tribal court authority over child custody proceedings derives from the inherent powers of tribes, and was not extinguished or diminished in any way by the act of August 15, 1953, as amended by title IV of the act of April 11, 1968, or any other Federal law.

Mr. Chairman, we also believe that funds appropriated for the operation of Indian Child and Family programs should be provided to tribes on a non-competitive basis.

We have observed many problems with the present system administered by the Bureau of Indian Affairs. Too often grants are awarded as a function of grant-writing skills instead of need; therefore, we recommend that the ICWA amendments direct the secretary to develop a system for contracting with tribes on a non-competitive basis to operate Indian child and family programs.

Mr. Chairman, we have observed that the proposed amendments would increase the authority and role of tribes under ICWA. We do not, however, view the ICWA amendments as a chance to acquire additional powers that villages neither desire nor can afford.

Instead, we view these hearings as the opportunity to have the child welfare authority of tribes in Alaska affirmed; to have Congress verify that tribal powers to care for children and families are not dependent on occupying a reservation, and exist independent of the status of any given piece of land.

On behalf of Maniilaq Association, thank you once again for this opportunity.

[Prepared statement of Ms. Chesley appears in appendix.]

The CHAIRMAN. I can assure you that the suggestion you have made on the definition of a tribal court will be taken back to the committee and very seriously discussed. So don't be surprised if you see the Chesley amendment become law. [Laughter.]

Thank you very much.

Ms. Hamilton.

STATEMENT OF JOAN HAMILTON, FAMILY SERVICES WORKER, NORTH PACIFIC RIM, ANCHORAGE, AK, MEMBER OF THE VILLAGE OF CHEVAK

Ms. HAMILTON. Senator Inouye and members of the committee, thank you for this opportunity. My name is Joan Hamilton. I am from the village of Chevak that you will be visiting tomorrow. I work as a family service worker with the North Pacific Rim.

We service the seven native communities of the Chugach region in southcentral Alaska.

We are governed by a board of directors which is made up of a representative from each of the communities we serve: Chenega Bay IRA Council, English Bay Village Council, Eyak Traditional Council, Mount Marathon Native Association, Port Graham Village Council, Tatitlek IRA Council, and Valdez Native Association.

I have been asked by the board to make the following statement on their behalf.

The tribes of the Chugach region first wish to express our gratitude to Senator Inouye and the other members of the Senate Select Committee on Indian Affairs for your tireless efforts on our behalf.

We want you to know that we were in full support of S. 1976, as was expressed in a letter to the select committee members last spring. However, we understand that certain compromises may be necessary in order to obtain passage of any amendments to the Indian Child Welfare Act.

With this in mind, our purpose today is to identify two specific provisions of the act which our experience has proven must be amended. Both provisions were included in S. 1976. We ask that you not compromise on them when next year's bill is being drafted.

First is the matter of the jurisdiction of native tribes. As you well know, our experiences in Alaska have made it clear that the jurisdictional provisions of the original act are not adequate to ensure the achievement of Congress' intent that tribes exercise authority over ICWA matters.

The political and legal environment in this State is hostile to any exercise of authority by our tribal governments. Indeed, our courts question the very existence of that authority. It is, therefore, necessary that the act explicitly provide for that jurisdiction, notwithstanding the fact that the tribe is located in a Public Law 280 state.

The provisions set forth at section 101 of last year's proposed amendments achieved the necessary clarity, and we urge you to propose similar language this coming year.

The second issue concerns the matter of funding for Indian family programs. No funding has been available to our regional organizations or to our tribes for a number of years; yet, we are responsible for providing technical assistance and training, and for providing intervention services when necessary.

The lack of funding has impeded any meaningful efforts of our tribes to develop long-range goals and objectives and has resulted in a number of cases being decided by the State without tribal input.

I want to give a couple of specific examples to what I am talking about.

You questioned earlier whether we had tribal courts in the State, and it is very difficult to answer that. We do not, in our region, in the seven communities we serve, have any tribal courts; however, we do have counsel members and native associations that do act in that capacity.

In one case in Chenega Bay, the father called me the day before the trial was to be heard in Reading, CA. Fortunately, everything was sort of just the way you want it at that point. The village council happened to be meeting in Anchorage in our central office, so I was able to go to our staff attorney and have her go to the village council and ask them if they'd like to intervene.

While she was doing that, I called Reading, CA, and talked to the courts and asked them if they were aware that they were involved in a case that was governed by ICWA.

People outside seem to respect ICWA a lot more than Alaska does, because at that point they just stopped everything and waited for what the tribe would do next.

The tribe subsequently intervened, but we didn't have any money to send the father down, we didn't have any money to send any personal testimony. We did have some good friends with the American Indian Legal Services close to Reading, and they are presently handling the case. Knock on wood—they haven't sent us a bill yet. [Laughter.]

I think they're doing it for free.

So another case is like in Seward, where it doesn't meet the clear definition of a village or a reservation, but is a mixed population. There is a large native community, and we service the native community in the community of Seward.

They had a case with a child. The State social worker went to the Mount Marathon Native Association and worked with them to find placement, and worked well with both sides and everybody was happy.

But they had another case where we had a different social worker playing the role this time, and she did not recognize any authority of the Seward Mount Marathon Native Association, and so, to make a long story short, about 4 years later we are just getting them to talk to each other.

So in Alaska, applications of ICWA seem to depend on the hormones or the temperament of the State social worker at the time. [Laughter.]

Those are a couple of examples of the activities that would be done by tribal courts, but we don't have tribal courts, but councils are acting in that stead.

Therefore, we strongly urge that the act be amended to include provisions for noncompetitive, mandatory grant programs designed to assure that all villages and Indian organizations have stable annual funding for ICWA programs.

In closing, we wish to thank you again for your efforts you have made on our behalf and for coming to Alaska to obtain first-hand information.

We trust that your visit—I know that your visit will be enjoyable.

Thank you very much.

The CHAIRMAN. I thank you very much, Ms. Hamilton. I can assure you that your testimony will be very seriously considered.

As you can imagine, we are working on the question of jurisdiction, and we are in conference with State officials on this matter. We think we can work it out.

Ms. HAMILTON. Can I answer a question you asked earlier?

The CHAIRMAN. Surely.

Ms. HAMILTON. You asked why we feel our tribes should take care of their own. I think you can do a public debate from here to eternity on it, but from my personal experience as having been born in a tent and being born to parents who don't speak English, and hunting and gathering, and then going to school without knowing a word of English, and then being sent off to boarding school, it is very difficult to be in an environment where everybody who has some authority is different than you are.

In my case it was explicit, but in some cases it is implied by this that you are not quite as good as these other people. You don't have role models. You don't have people taking care of you and your people to be respected. Everybody I knew was a different color, and that was white. It is really a terrible feeling of alienation.

I think this is one of our driving courses for trying to keep it within the tribe. There is a lot more to be said for responsibility and etc., but I think that is one of the key reasons we would like to have the opportunity to take care of our own.

The CHAIRMAN. Thank you very much, Ms. Hamilton.

We will stand in recess for 10 minutes.

[Recess.]

The CHAIRMAN. Our next panel consists of: Ms. Ilene Ewen, village council representative, Gulkana, AK; Ms. Esther Combs, executive director, Cook Inlet Tribal Council; Ms. Mary Ann Miller, tribal operations, Kawark, Nome; Ms. Theresa Swan, director, Social Services, Ketchikan Indian Corporation; and Mr. Willie Kasayulie, chairman, Alaska Native Coalition.

Ms. Ewen.

[No response.]

The Chairman. Ms. Combs.

Ms. Combs. I'm Esther Combs.

The Chairman. Ms. Combs, welcome.

STATEMENT OF ESTHER COMBS, EXECUTIVE DIRECTOR, COOK INLET TRIBAL COUNCIL

Ms. Combs. Thank you, Mr. Chairman.

Mr. Chairman and members of the Senate Select Committee on Indian Affairs, I am Esther Combs, Athabaskan Indian, and executive director of Cook Inlet Tribal Council.

As the designated tribal non-profit organization of Cook Inlet region, we provide educational, employment, social, and Indian Child Welfare services to all Alaska Native and American Indians who reside in the Greater Anchorage area and to villages in the region who have given us authorizing resolutions.

In my written testimony I painted a background of the economic situation in Anchorage and the surrounding area, which is pretty dismal. It is probably what you have heard in the news and have read about.

We have approximately 16,000 Alaska Natives that live in Anchorage, or approximately 8 percent of the population of 200,000.

Many native people come through Anchorage for services or educational reasons and employment. Many of them want to make this their home; others come here who are just in transition.

As you have heard, Mr. Chairman, there are numerous problems that families fall prey to. In the last 2 years, we responded—our social services staff—to 31 Indian child welfare cases, and 25 of these cases, or 81 percent, have resulted in reunited families.

Most pregnant native adolescents are encouraged to give their babies up by private adoption organizations who serve as adoption brokers for these native adoptees. Few of these young women, or their families, know anything about the Indian Child Welfare Act. It is not explained to them by these agencies.

There is a point I would like to bring out that work with the private adoption agencies is practically nil. Most of the time they do not want to contact native organizations or to avail native mothers of their services.

Early on in the testimony today there was a reference to rehabilitative efforts for native families. If there are problems in the family, what is being done to help them cope, to find solutions to the problems, and to keep their families together. This is one of our goals that we do.

One of the more important sections we want to stress in the act is notification to a tribe; that tribes be given timely notification of an impending adoption, not only in involuntary, but voluntary relinquishments.

As I mentioned before, I believe the act should have some language in it that would provide for native families to receive professional care and treatment to help keep them intact. This would maintain our cultural integrity.

Another point that comes out with adoption agencies is that whenever we say to them—I sat down and tried to meet with their heads and tried to work out sort of like a memorandum of agreement, and they say, "Well, we can't really work with you. We can't really refer clients to a native organization because the mother or the parent has a right to privacy." Well, the right to privacy is no more infringed when notice is provided to the child's tribal government than when it is provided to the State government, as is required by Alaska statute title 25. Both are bound to maintain confidentiality in children's proceedings. I think this is an important point that should be emphasized in the act.

Another reason we hear for these people not wanting to work with us is that they believe the tribe has sort of an unrelatedness to the case or to the child and the mother or the father. The tribe has a vital relationship with any child who is a member of the tribe. And, further, the Federal statutory and constitutional protections afforded the tribe's interest in its children preempt any inconsistent State constitutional barriers.

Another point that has been mentioned here tonight is strengthening sections and language on funding appropriations for tribal programs and to eliminate the current practices of competitive applications by tribes for Indian child welfare funding.

In this State, to my knowledge we have had, in the last 2 years, perhaps three or six tribes funded at a time, and they are ranked. Those who are considered must have a score above 85.

Well, I, personally, and for the Cook Inlet Tribal Council, do not wish to go into a competitiveness with an organization or a village for these funds. That is not the way it should be. We're talking about our children here, and talking about trying to keep them in our culture, and we need all the help we can get in this area.

I really made my comments brief.

I want to thank you for this opportunity to come before you.

[Prepared statement of Ms. Combs appears in appendix.]

The CHAIRMAN. Thank you very much, Ms. Combs.

Our next witness is Ms. Mary Ann Miller.

Ms. MILLER. Thank you, Senator. You can strike the "Ann" because that is not part of my name. It was an error.

The CHAIRMAN. OK.

Ms. MILLER. My middle initial is "A," but it doesn't stand for Ann.

The CHAIRMAN. Well, Ms. Mary A. Miller.

Ms. MILLER. Thanks. [Laughter.]

STATEMENT OF MARY A. MILLER, TRIBAL OPERATIONS, KAWERAK, NOME, AK

Ms. MILLER. My testimony initially was going to start out with good afternoon. I will change it, though, to good evening, and begin by thanking you for this opportunity.

I am submitting testimony on behalf of Kawerak, Inc., which is a regional tribal organization serving 19 tribal councils and their communities in the Bering Straits region. Our offices are located in

Nome, and I am employed there as the director of Tribal Affairs, and have been in that position for the past 5 years.

My testimony addresses the Indian Child Welfare Act and our support of amendments to specific sections of the act. Many tribal councils in our region have become increasingly involved in child custody proceedings in State courts over the past 5 years; however, these councils have simultaneously been taking steps to assert original tribal jurisdiction over children's matters.

To date we have 13 tribal councils who have enacted judicial ordinances establishing tribal courts: 8 have enacted children's adoption ordinances, 14 have enacted ordinances establishing foster home licensing standards, and 2 have enacted children's codes.

The welfare of member children and their right to be reared within the native community is of the highest priority of our villages at this time.

To address specific areas of the act, the first I would like to cover is voluntary proceedings, which is of concern, as expressed by many other people today.

While the Alaska courts have ruled that the Indian Child Welfare Act covers voluntary proceedings, we strongly support amendments to the definition of "child custody proceedings" and section 1913 whereby the provisions of the Indian Child Welfare Act itself would clearly cover voluntary proceedings, including placements arranged by private agencies and individuals

Voluntary proceedings have posed a serious problem in our region where the placement preferences of the Indian Child Welfare Act have been consistently and systematically circumvented by private individuals and attorneys arranging voluntary adoptions of native children by non-native adoptive parents.

As an example, over the past year and a half we have addressed the problem of adoptive placements of newborns with non-native families arranged by health professionals involved in the direct delivery of health care to expectant patients.

This has thwarted our efforts to seek placement of these children in homes which meet the placement standards set forth in the Indian Child Welfare Act.

Fortunately, the board of directors of the health corporation who employs these health professionals have adopted policies in support of the Indian Child Welfare Act which, in turn, have allowed for a memorandum of agreement with Kawerak whereby patients now have the opportunity to be counseled on the availability of adoption assistance at Kawerak, as well as the requirements of the Indian Child Welfare Act.

We want to expand beyond our region because we know that many of our tribal members reside elsewhere, and other private adoption agencies get involved with cases involving our tribal member children.

We fully support the proposed new section concerning non-tribal social service agencies. It is absolutely essential that these agencies be required to give notice to tribes if they are handling a case involving an Alaska Native child.

Many, many of our Alaska Native children who would otherwise be indigenous to the region are adopted to non-native families through these private agencies, and tribes are totally unaware of these actions. This problem is exacerbated because many tribal members either reside in urban centers, such as Anchorage, or travel to Anchorage to deliver their children and arrange for adoption.

This puts us in the unfortunate position if we receive notice of reacting to a placement that has already been made. Our overall long-term goal is to be involved from the first moment that we understand that an adoption is being considered in the first place so that involvement of the tribes can be a meaningful involvement and one where they participate and are included in consideration of placement of children.

In the area of jurisdiction we, too, support language which would clarify that all tribes have exclusive jurisdiction over certain children's cases. This provision is of particular concern to tribes in our region where 13 councils have enacted judicial ordinances to establish tribal courts.

We believe that the language on jurisdiction would clarify, for the benefit of tribes, the jurisdictional situation between tribes and States—particularly in Public Law 280 States such as Alaska.

This section would also legislatively reverse a number of State and Federal decisions which are hostile to and which severely limit recognition of tribal jurisdiction over member children.

As far as ICWA violations, themselves, we support language in section 1914 which would give Indian parties rights of challenge to violations of any section of the Indian Child Welfare Act.

Kawerak has assisted tribes in intervening in State court proceedings where they have often sought placement of children with extended family and/or in the children's home community. On some occasions we were successful, and on some occasions we were not.

The proposed amendments would further strengthen our tribes' statutory protections against violations of placement preferences of the Indian Child Welfare Act, as well as other requirements, such as notice.

Again, we are seeking to eliminate placements made with no involvement of the tribe where the tribe simply reacts to a notice after the fact—often 6 months to 1 year after the child has been placed, when no State court judge would even consider removing that child from that family because of the issue of bonding.

Other folks here have testified to such things as funding. As far as foster care funding is concerned, we urge an amendment whereby placement of a child in a tribally licensed foster care facility would qualify that child for Federal assistance, including foster care and adoption assistance under title IV-E of the Social Security Act, as an option—as a choice for our communities who, for one reason or another, have not been successful in getting many State-licensed foster homes.

We, too, are concerned about funding for legal counsel. I don't have to elaborate on that. I do believe that you understand that issue.

Also the fact that Indian Child Welfare Act grants are warranted on a competitive basis. We, like most regions in the State, I believe, do not feel good about having to compete with other tribes for these grants because we all have the same needs when it comes to the welfare of our children.

In closing, we would express our desire as tribal governments to protect our children's inherent right to grow up within their native communities with their parents or members of their extended families. Where placement outside of the extended family becomes necessary, we support the standards set out in the act, and further strengthened by the amendments which would require placement of such children in foster or adoptive homes which are reflective of the children's cultural background.

The act further seeks to prevent Indian children from being placed in adoptive and foster care settings with non-Indian families.

We ask for your commitment and continued endorsement of these rights by your support of the proposed amendments to which I have spoken.

Earlier in the day you had asked a very direct question about why tribes should have jurisdiction, and I listened with much interest to how various individuals responded.

One of the other points that I wanted to bring up in response is a matter of sovereignty, because the future of tribes depends on the protection of valuable resources that they must seek to protect, and our greatest resource is our children.

Another point, in closing, is in the area of mental health. The alarming statistic has been determined that the suicide rate of native Americans adopted into non-native homes is ten times the national average, which is an alarming and frightening point for us to even begin to comprehend.

People do need choices, and tribal courts, in my view, should, at the very least, be an available alternative to the State court system.

I think that the State social workers in the Nome region appear to be enjoying a healthy hormone balance, to follow up with what Ms. Hamilton said earlier. We have had, in the past 2 years, greater success in working with the State agencies, I am happy to say. I think that both parties have been seeking to nurture a healthy working relationship to promote the placement preferences and other policies embodied in the Indian Child Welfare Act.

Thank you, Senator.

[Prepared statement of Ms. Miller appears in appendix.]

The CHAIRMAN. Thank you very much, Ms. Miller.

Our next witness is Ms. Theresa Swan.

STATEMENT OF THERESA SWAN, DIRECTOR, SOCIAL SERVICES, KETCHIKAN INDIAN CORPORATION

Ms. SWAN. Thank you.

Hon. Senator Inouye, my name is Theresa Swan, and I am the social services director of the Ketchikan Indian Corporation.

The Ketchikan Indian Corporation is a federally recognized Indian tribal government in Ketchikan which is one of the five Alaskan tribes with an Indian Child Welfare Act grant. Its service area consists of the borough of Ketchikan, the fourth largest population center in Alaska. Located on Revillagigedo Island in southeastern Alaska, Ketchikan has a population consisting of Tlingit, Haida, and Tsimshian tribal members.

There are 1,500 natives currently enrolled with the Ketchikan Indian Corporation. KIC estimates that its target population is 400 for ICWA activities. The figure includes an annually estimated 75 children in State custody; 125 children and family members in various phases of transition—youth services, advocacy services, and crisis intervention; 65 foster parents; and an additional 135 individuals through foster parent and adoption inquiries, child issue workshops, and community education and service contacts. These target population estimates are based on contacts that were made in fiscal year 1986.

At present there are no programs in the Ketchikan service area which offer services in the area of advocacy, reunification of displaced children, or family stabilization for the native community.

Non-native social service agencies provide counselling services to the community. Both the cost and the stigma attached to this agency prevents many Native community members from participating.

In addition, the local center that I was referring to had budget cuts and has reduced its service capabilities to the native community.

Our experience has been that clients prefer to utilize the counseling services offered through the Ketchikan Indian Corporation, as opposed to those offered by non-native social service agencies.

The State Division of Family and Youth Services—DFYS—provides limited free family assistance; however, its services are not generally perceived as supportive by the native community. This is due to the fact that DFYS has the legal authority to remove native children from their homes for reasons of neglect or abuse, and to place them in State custody.

The native community is aware of the State's power in this respect, and thus tends to view DFYS as an adversary, limiting even more the State's efforts of working with Native families in a positive and constructive manner.

In addition, it is this corporation's position that a number of the State-funded service agencies do not fully understand or recognize the unique cultural, social, or legal status of native, further limiting their capabilities in developing effective case plans for their clients.

The local DFYS office has gone from a staff of 10 full-time and 1 half-time position to 6 full-time workers in the past year, and they are trying to recruit more qualified applicants. But even if qualified applicants can be recruited, not all of the positions will be filled again.

This has severely limited the division's ability to provide adequate case management and social work services. In fact, the division has come to rely heavily on KIC staff to help them stabilize families.

This office has been called upon regularly by the division to perform tasks such as investigation, recruitment of foster homes, home visits, supervision, and many other basic services that they are too shorthanded to perform.

We see our services here in the community as being essential in the coming year for the maintenance of even the most minimum levels of adequate social work in the native community.

In addition to the agency complications described above, native clients also face difficulties in communicating with caseworkers, judges, and legal officers. Clients find themselves in positions with State, social, and judicial staff where they feel reluctant to clarify their misunderstandings.

Frequently, native clients request the advocacy of KIC's personnel to explain or draft official correspondence, legal documents, or judicial decrees.

The Ketchikan Indian Corporation has provided the native community with Indian Child Welfare services for the past 6 years, with the exception of fiscal year 1983.

We feel the State of Alaska is not acting in the best interest of KIC tribal members, including children, because the State fails to adhere to the provisions of the Indian Child Welfare Act, as evidenced by the disproportionate number of Indian children entering the substitute care system and remaining in the system due to lack of ICWA training.

When developing case management plans, the State social workers take the path of least resistance. For example, children are placed in the first available foster home. This procedure contributes to poor placement of the child and increases the termination of parental rights. And if we aren't consulted, our children are placed in non-Native homes, and this has happened over and over again.

Tribal ICWA staff members are continually frustrated by the State court system not recognizing the tribe's right to intervene in private adoption proceedings. We have a case pending now whereby we are on the verge of losing custody of a native infant being adopted by a non-native family. We suspect there are a lot more children being lost in this same manner.

Currently, KIC is exploring the possibilities of a tribal court which will strengthen the tribe's position in relation to the Indian Child Welfare Act.

We are still confronted with limited resources to carry out the goal of asserting exclusive jurisdiction of our children. To enhance the efficiency of our intervention in the judicial court system, KIC recognizes the necessity of obtaining legal counsel to represent our tribe in matters pertaining to child custody proceedings.

In summary, KIC supports the passage of the ICWA Amendments as they elicit the cooperation of State compliance to ICWA as it is not now strictly adhered to. Passage will further promote the retention of the family unit, thereby insuring the viability of our tribe.

Furthermore, the increased funding requested by all tribes will provide the safety net necessary to reach out and protect our greatest resource—our children.

Thank you for the opportunity to speak to you.

[Prepared statement of Ms. Swan appears in appendix.]

The CHAIRMAN. Thank you very much, Ms. Swan. We appreciate it.

Our next witness is Mr. Willie Kasayulie.

STATEMENT OF WILLIE KASAYULIE, CHAIRMAN, ALASKA NATIVE COALITION

Mr. KASAYULIE. Thank you, Mr. Chairman.

My name is Willie Kasayulie, and I am chairman of the Alaska Native Coalition.

I would like to thank you for this opportunity to testify before the Senate Select Committee on Indian Affairs on a number of subjects concerning the health and welfare of the Alaska Natives and their communities.

The Alaska Native Coalition is a statewide organization comprising Alaska's tribal governments, and village, urban, and group corporations established under the Alaska Native Claims Settlement Act.

The coalition supports the unique interests of Alaska's Native communities as regards the strengthening and protection of local native tribal government, the preservation of the native land base, and native subsistence rights and other native cultural, political, and economic concerns.

The Indian Health Service eligibility regulations, the Indian Child Welfare Act, the Alaska Community Health Aide Program and Community-Based Mental Health Programs clearly fall within the coalition's mandate.

I am sure the committee has receive detailed testimony from the individual communities and organizations which carry out these laws, programs, and policies. Therefore, I will highlight only what I consider to be the critical factors this committee should consider which impact tribal governance on a statewide basis.

On the proposed Indian Health Service eligibility regulations: as has been widely reported, the Indian Health Service has proposed regulations which would, in many ways, narrow the eligibility of Alaska Natives for medical and dental services.

I will not confuse the issue by questioning the motives of the IHS; instead, I will focus attention on the plan to require documentation of tribal membership as reflected by tribal rolls.

On the one hand, the IHS is to be applauded for its call to strengthen the fundamental legal connection between the United States and Alaska Natives—the relationship between the United States the Alaska Native tribal governments and their members.

On the other hand, the manner and timing of the IHS' proposed regulations, from a practical standpoint, would have untold adverse impacts on individual Alaska Native access to fundamental health care services.

Of the nearly 200 federally recognized tribes in Alaska, only approximately 20 have even a minimal tribal membership roll of some kind.

Scarce resources, dwindling tribal assistance funds, and a decision to dedicate tribal energies to the support, and provision of services to their communities has left tribal membership roll development as a low priority among tribes in Alaska.

That is not to say that tribes do not want tribal rolls. As a general rule, Alaska tribes support recent efforts by the BIA to put on enrollment workshops, but the process will take time and additional resources—more time than the IHS regulations allow. For this reason, the Coalition recommends that the proposed IHS regulations be withdrawn indefinitely.

I wish to offer one note of caution in regard to suggested changes in the language of the IHS eligibility regulations, offered in a joint memorandum from the Alaska Area Native Health Services and the Juneau Area BIA. This language would treat Alaska Natives as a special case, distinct from the treatment accorded other Indian tribes in the lower 48.

Although I understand the well-intended purpose behind this proposed change, this committee should know that opponents of tribal government in Alaska are taking every opportunity to show that distinct treatment of Alaska Native tribes and their communities by the United States in laws and regulations such as IHS' implies that the United States did not and does not intend to treat Alaska Native tribes as sovereign, as it does with Indian tribes in the south.

The Alaska Supreme Court, in the *Native Village of Stevens* v. *Alaska Management and Planning,* only days ago decided on this basis that tribes do not even exist in Alaska. This committee knows better.

Nonetheless, Alaska tribes now face the fact that the State of Alaska officially denies our existence as sovereign representatives and providers of service to Alaska Native communities.

This committee should be cognizant of this in addressing legislation for Alaska Native tribes. It would be appropriate for this committee, serving in its trust capacity, to propose legislation effectively overruling the decision in Stevens Village pursuant to the United States' authority over Indian Affairs, and the coalition strongly urges that you do so.

If this case is not reversed immediately, there will be a flood of litigation in State court against Alaska's tribal governments. In fact, this has already begun.

Even the very threat of litigation is now inhibiting the activities of tribes across Alaska. If Congress does not act, we will face years of conflicting litigation between the Federal courts and the Alaska Supreme Court, a dire and tremendously costly and divisive prospect.

I will now address the Community-based Mental Health Programs. I address only one general aspect of community-based mental health services: the issue of local tribal regulation, an example liquor ordinances adopted under Federal liquor laws.

At least three villages—Northway, Chalkyitsik, and Minto—have adopted such ordinances. Other villages are interested in this option, and at least one, Kipnuk, has drafted one that has been approved at the area office and awaits final approval by the Secretary of the Interior.

Local administration of community mental health under tribal and Federal authority has been a positive force in Alaska Native communities. Local control under tribal authority advances true native self-determination by addressing real community needs in a productive and effective manner.

By drawing on the legitimate local authority of Alaska Native tribes, a foundation is laid for the repair and continued maintenance of community mental health.

Despite earlier approvals of local ordinances like Northway's and Minto's, there are indications that current petitions are being held up in the Secretary of the Interior's office. I ask that this committee look into this matter and ensure that this model of a successful, community-based, and community-controlled mental health program continue in a timely fashion. Specifically, the Secretary should be instructed to move forward with the approval of Alaska tribal liquor ordinances immediately.

We have, in a separate hearing, submitted some recommendations on the Indian Child Welfare Act Amendments, so I'm not going into any detail with that.

This concludes my testimony.

[Prepared statement of Mr. Kasayulie appears in appendix.]

The CHAIRMAN. I thank you very much, sir.

All of you have been extremely helpful. Thank you.

To continue our testimony on IHS eligibility, may I call on: Ms. Harriett Beleal, vice president, Council of Tlingit/Haida Tribes; Ms. Mary Ann Mills, Sovereign Indigenous Women of the Arctic; Mr. Williard Rickie Ashby, member of the board of directors, Maniilaq Association; Mr. Fred Elvsaas, President, Seldovia Native Association.

Are you Ms. Beleal?

Ms. MILLS. No.

The CHAIRMAN. Ms. Mills.

Ms. MILLS. Yes.

The CHAIRMAN. Ms. Mills, welcome. Please proceed.

STATEMENT OF MARY ANN MILLS, SOVEREIGN INDIGENOUS WOMEN OF THE ARCTIC, STERLING, AK

Ms. MILLS. Hon. Senator Daniel Inouye, distinguished committee members, and distinguished elders, thank you for your interest in being here today.

My name is Mary Ann Mills, and I am a Dena'ina Indian from the Kenai Peninsula, and representing the Sovereign Indigenous Women of the Arctic, a group formed several years ago.

I am here to speak on Indian Health Service eligibility. Health care is very important to the Alaska Natives because of the widespread poverty among our people. We are worse off now than we were before the passage of the Alaska Native Claims Settlement Act of 1971.

Because of the grave situation we are in, many Alaska Natives are concerned with the type of health care we are being eligible for. We have epidemic suicides and alcohol rates among our ethnic group.

According to the Centers of Disease Control, the people in Western Alaska suffer the world's highest rate of meningitis, of which the greatest risk is the native infants.

We are told hepatitis B is running rampant through many native communities. This is of particular concern to us as we have been informed that the hepatitis B vaccine caused AIDS among certain tribes in Africa.

According to another source, tribes in a different part of the world, other than Alaska and Africa, are also concerned of the grave effects this vaccine is having on their tribal people. In Bethel, Alaska, alone, 100 babies got sick and many died due to a virus called the RSV factor, believed to be caused by this vaccine. We understand Alaska Natives are mandated to take this vaccine, and find cases where this was done on minor children without parental consent.

Cancer rates among Alaska Natives are very high and still increasing.

These are just a few concerns we are focusing our attention on. We are starting to document individual care—or lack of care—provided by IHS, which we will forward to your office.

According to the U.S. Arctic Research Plan of July 1987, prepared by the Interagency Arctic Research Policy Committee, for natives using the Indian Health Service, an extensive social, cultural, genetic, and medical data has been a research project on us, and, "The length of operation nature of this population-based system may be unequaled in the United States." The report goes on to say, "It provides a resource for studying health problems which will benefit other populations."

Some natives feel our people have been studied and experimented on long enough, and feel our human rights as individuals have been violated. These studies don't seem to help us—we are dying off at a very rapid rate, and we are concerned.

From what I am told by natives throughout Alaska, the Federal Government has spewed toxic materials across Alaska. The oil companies and other companies are also polluting our environment.

According to Barbara Collins, spokesperson for Alaska Freeze,

> The previous use and testing of nuclear weapons has caused so much radioactivity to collect within the Arctic Circle that its permanent residents now carry more radioactive elements in their bodies than anyone else on earth, except the survivors of Hiroshima and Nagasaki.

It is these things that may be contributing to our high rate of cancer. Our land has been—and is still being—violated.

Another problem is inadequate sewer systems throughout many parts of Alaska. Some places in Alaska have open sewage running through their villages. From what we are told, this is the leading cause of the hepatitis B epidemic, and may be contributing to the high rate of meningitis. Until we cleanse our environment, the precautions, such as these studies and vaccinations, are like putting a bandage on a dirty wound.

The renowned Elizabeth Kubler-Ross came to Anchorage after receiving "People in Peril," a 10-day series on the "Anchorage Daily News," and spoke at the Humana Hospital. She called the high rate of alcoholism and suicide among the Alaska Natives the State's quite little secret.

She said red flags should have been waving long ago, and our Indian Health representatives should have been screaming from the roof tops, because what is occurring here is tragic, and native people should speak out.

The reason there is so much alcoholism, suicides, and homicides is because of the hopelessness many of us feel as we watch our culture die. If our native culture is destroyed, it will exist no where else. We are wondering why we a people, who own such a vast and rich land, and a people who never displaced anyone by coming here, or their right to their way of life in their homeland—why we are now so very poor, so very sick, and so very distressed.

This corporate structure created for us, without our consent, is causing us much stress.

Until our traditional tribal governments are recognized as sovereign entities to regulate ourselves, the moral blame for our failure lies with the United States and their fiduciary responsibilities, along with the third-party interference of the State of Alaska and their State-chartered native corporations and incorporations.

As stated in the Presentation to the Women Reverends on March 19, 1988, the Bureau of Indian Affairs official said it is plain to see that genocide is occurring with the Alaska Natives.

The solution to our problem is not a political one; it is more basic, it is human rights—everyone's human rights as stated in the United Nations' Doctrine of Human Rights of 1948, which includes the Elimination of Discrimination Against Women and the Prevention and Punishment of the Crime of Genocide, ratified by the 99th U.S. Congress and signed by its chief executive officer.

Senator Inouye, many of us are seeking to end this genocide, and we pray for your help.

Thank you.

The CHAIRMAN. Thank you, Ms. Mills.

Ms. MILLS. I also have some documentation.

The CHAIRMAN. It will be received.

[Prepared statement of Ms. Mills and documentation appear in appendix.]

The CHAIRMAN. Our next witness is Mr. Ashby.

STATEMENT OF WILFRED RICKY ASHBY, BOARD OF DIRECTORS, MANIILAQ ASSOCIATION, KOTZEBUE, AK

Mr. ASHBY. Mr. Chairman and members of the committee, my name is Wilfred Ashby. I am from the village of Noatak, located in northwest Alaska. I represent the Noatak IRA on the Maniilaq Association Board of Directors.

The Maniilaq Association is a tribal organization serving the health and social service needs of the residents of northwest Alaska. Maniilaq was authorized by the following traditional IRA councils to carry out this mission: Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Point Hope, Selawik, and Shungnak.

I would like to thank the committee for providing us this opportunity to give testimony on this very important issue that will affect the people in our regions.

We would like to go on record in support of an indefinite moratorium of the IHS regulations defining eligibility for health services for the following reasons.

No. 1, the bill would eliminate health services for a large number of Alaska Natives who live in indigenous communities, practice a modern version of traditional subsistence lifestyle, and are considered by themselves and others as members of the Alaska Native Community.

Under the present system, all natives in our area who need IHS services have been able to receive them. The current system is working for us. Why should it be changed? These regulations appear to have been developed to diminish the level of IHS expenditures and to make a mockery of the continuing Federal trust responsibility of the 1976 Indian Health Care Improvement Act, 35 U.S.C., section 1601, to native Americans.

No. 2, because the tribal rolls have not been considered essential to the BIA in recent years, there have been few attempts to update them. Especially since the Alaska Native Claims Settlement Act, shareholders lists have tended to assume major practical importance, the task of tribal roll updating has been neglected.

No. 3, use of ANCSA rolls is clearly inadequate and would eliminate many entitled natives. ANCSA shareholders were required to demonstrate one-quarter blood quantum, eliminating many individuals the village may identify as tribal members. The lists do not reflect any person born to an Alaska Native family after December 18, 1971, adopted children, or any other non-ANCSA enrollees.

We maintain that it should be the tribe—or Alaska Native village—who determines its membership. Because tribal authority is accepted in these regulations, then the tribal rolls again become important. However, updating the rolls is a complex and time-consuming process. Just the development of tribal ordinances for updating rolls involves many difficult issues such as dual membership, adoption, relinquishment, and disenrollment. Then the research, location, and correspondence with tribal members can begin. Finally there is the local and Federal approval process. To accomplish this will require planning, funding, time, and cooperation between the Federal and tribal governments.

In closing, we feel a moratorium should be instituted to provide time to investigate the substantial and indefinite service impact of the proposed regulations. The impact investigations should be contractible by tribes, or at the very least, have final approval sign off by them.

Certainly, Congress deserves a full report on the significant impact of those proposed changes endorsed by those that the regulations will affect most.

Thank you.

[Prepared statement of Mr. Ashby appears in appendix.]

The CHAIRMAN. I thank you very much, Mr. Ashby.

I can assure both of you that your testimony will be carefully considered, and we will read your document.

Before I call upon the final panel I would like to announce that if any of you wish to submit addenda, additional testimony, or new testimony, you may do so. And if you do, will you send the testimony to the Select Committee on Indian Affairs, U.S. Senate, 838 Hart Senate Office Building, Washington, DC 20510.

Our last panel consists of: Ms. Eva John, village council representative, Mentasta, Alaska; Dr. Philip Nice, Director, Rural Alaska Health Education Center; Ms. Grace Lincoln, Maniilaq Health Association. The subject matter will be CHAP.

Ms. Lincoln, you are the close-up witness.

STATEMENT OF GRACE LINCOLN, CHP COORDINATOR, MANIILAQ HEALTH ASSOCIATION, KOTZEBUE, AK

Ms. LINCOLN. Thank you.

This is testimony for the Senate Select Committee on Indian Affairs regarding the Community Health Aide Program by Grace Lincoln, CHP Coordinator, Maniilaq Health Association.

My name is Grace Lincoln, also known as [native tongue]. That means, "one upon whom the sun shines." My nickname was [native tongue], which means "one who never smiles."

The CHAIRMAN. That was a mistake. You always smile, don't you?

Ms. LINCOLN. I would like to thank the committee for coming to Alaska to hear more about some of the issues we are facing, and particularly to learn about the CHA program.

During the past year, Maniilaq employed 15 CHPs—CHPs are community health practitioners—and 3 trainees to serve 11 villages in our area. Our villages lie within an area about the size of Illinois.

Year-round transportation between the villages in Kotzebue, the regional hub, is through air travel. Surface travel is by boat during summer and snow machine after freeze up.

The CHPs work in village clinics under the standing orders of the clinic director from the Kotzebue Hospital. The villages are connected by telephone, and the CHPs consult with the hospital physicians daily during medical traffic.

You were asking earlier if there were any professional people. I am a registered nurse, and was the first full-blooded Eskimo to become a registered nurse in the State of Alaska—at that time the territory—in 1951. I have observed many social conditions in our community.

The CHAIRMAN. How many RN's do you have now?

Ms. LINCOLN. We have about 60 in the State.

The CHAIRMAN. About 60 RN's?

Ms. LINCOLN. About—native Americans that went through Pennsylvania Hospital. I don't know about any others. That's where I went was Pennsylvania Hospital in Philadelphia.

The other things that I was thinking about while I was waiting today was that you were trying to get a contrast of services. When I was a child I waited for 3 months for the doctor to make his rounds from Barrow to Nome and then to Kotzebue. I had appendicitis, and I was on a liquid diet for 3 months so I remember that very well.

I think our conditions have improved. They may not be as much improved as we would like them to be, but they have greatly improved, and I would like to assure you that we are grateful that we have a small slice of the pie. It is better than it was before.

Maniilaq Association is proud of our CHA program. At our last Primary CHP Award Banquet we had a total of 394 years of service represented. Nine of our staff have over 20 years of service.

Over the years the CHPs have been the primary contact for the delivery of nearly every kind of health service in the village. Besides medical services, CHPs are involved with nutritional programs, WIC—Women, Infant and Children program—environmental health services, educational programs, public health programs, counseling, and more.

Whether or not they realize it, the CHP's are one of the finest living role models for our young people. They truly exemplify the values that we try to follow, and these are the universal spiritual values that people all hold dear, and that is respect for elders, the land, avoid conflict, revere your children—all of those good things that everyone likes to live up to.

However, despite the efforts of the CHP's, the program coordinators, and the board, the program has problems based on the community's reliance on the CHA program. We must address them.

One of our biggest concerns is the high turnover of community health practitioner recruits. Though we have a core group of older CHP's that are very stable, turnover of our trainee recruits is high. We believe that the turnover is caused by several other issues, many of which compromise the program in other ways.

Inadequate allocation of positions is one such issue. Lack of staff results in 24-hour on-call schedules, heavy work loads, and inability to take time off are other problems. These conditions create burnout for the incumbents and are not very attractive for new recruits.

Shortfalls in training also exist. In many cases the CHPs are being asked to perform beyond the capabilities addressed during their formal training.

Training schedules are full, and so necessary instruction is delayed. We must provide people with tools to do their work.

The status of the alternate health aides is also troublesome. In our region, alternate health aides are provided by the village governments. Many of the villages do not have the financial resources to support the alternates.

Supervision and coordination is also complicated by having different employers. The alternates also experience the same frustrations as the CHPs resulting from inadequate training.

Despite these problems, the program continues to operate while we attempt to upgrade working conditions and ultimately improve services to our people.

I would like to thank our congressional representatives and this committee for your attention to this program. The additional finances you have made available will provide us with an opportunity to begin addressing some of the program's shortfalls. It will make a difference to those in the villages receiving health care.

Thank you.

The CHAIRMAN. Thank you, Ms. Lincoln.

I made a mistake. We have two witnesses who we thought were absent, but they are here. So may I now call upon Mr. Charles Edwardson of Barrow, AK and Ms. Virginia Kvasnikoff.

Mr. Edwardson.

STATEMENT OF CHARLES EDWARDSON, JR., BARROW, AK

Mr. EDWARDSON. I am Charles Edwardson, Jr., member of a federally recognized tribe, Inupiat Community of the Arctic Slope.

I wish to confirm to the Senator that the Alaska Native Claims Settlement Act is not a jurisdictional act. We have a problem with the court interpretation viewing ANCSA as a jurisdictional act. This view is consistent with the policies of IHS as they have viewed eligibility in the narrowest sense of the word.

Congress did injustice, unintentionally, and introduced creeping State jurisdiction in every village through its own village corporation. This was the first time in history where Congress took upon itself to determine eligibility of natives for natives without the vote and consent of the natives.

Congress should be so specific in defining who is a native in 1991.

The Alaska Native Claims Settlement Act has terminated those children whom Congress had involuntarily abandoned of their genetic membership and prospective tribe. So this had given the executive branch of the government the right to arbitrarily and capriciously deny tribal members under title 25 of the United States Code.

We feel it is Congress' responsibility to clear this mess for the Alaska native people and this involuntary abandonment should be resolved with restoration of the tribes of Alaska through the introduction of a bill called the Alaska Native Restoration Act of 1988.

Or the other alternative is for a request for Senator Inouye for the introduction of a bill for the articles of free association for the Arctic territory.

The State of Alaska and its native people must give a clear message to Congress and to the president of the United States of our final determination that there are some of us who may wish to terminate, with the consent of all the Alaska Native within the Arctic territory, this relationship that we have had under the assumption of the United States. We may wish to terminate this relationship.

Never before in history of man has a purchase of an acquisition of an existing company by a foreign company—was that a transfer of sovereignty, or was that a commercial enterprise that was acquired?

The jurisdictional act is probably the most important act that we have missed. So when we are transferred the assumption of good title of the United States from the Alaska native people, why was it not in title 25?

The Alaska native people have been caused to live under the fears of title 43, and our hunting and fishing rights in title 16, and the civil and criminal jurisdiction in title 18. You have just got to about be a government technician in order to survive the government onslaught of regulation to be a native today.

So the State of Alaska has not heard itself because it is a disclaimer State. The State of Alaska and its people have forever surrendered certain rights for the Alaska native people. The present court ruling in Alaska is a ruling that exemplifies the nazification of America. I do not say this lightly.

Some of us have had legal counsel. Not that Mr. Goldmark was murdered because he was representing Eskimos, but our lawyer, Charles Goldmark, was murdered on Christmas Eve, December 24, 1985, by a Nazi-hating group. When they kill our lawyers so that we may not get an able hearing in the Supreme Court, and when the United States refused to hear the merits of our complaint, we have an interest in justice over finality of racist law, Mr. Chairman.

I feel that there are some jurisdictional cases that the court, the Supreme Court of the United States, has acted to serve its own mastery, and have denied Alaska Native people a hearing on the merits of their complaint, and I feel that the jurisdictional issue in Alaska is one of those where justice is needed over finality of law.

The **CHAIRMAN**. I thank you very much, Mr. Edwardson.

Mr. **EDWARDSON**. I have two pieces of addendum to my testimony, and I so submit.

The **CHAIRMAN**. The documents will be received and placed in the record. Thank you very much.

Mr. **EDWARDSON**. Thank you.

[Prepared statement of Mr. Edwardson and attachments appears in appendix.]

The **CHAIRMAN**. Our final witness this evening is Ms. Kvasnikoff.

STATEMENT OF VIRGINIA M. KVASNIKOFF, VICE PRESIDENT, NINILCHIK VILLAGE TRADITIONAL COUNCIL

Ms. **KVASNIKOFF**. Good evening, and thank you for having me testify. I'd like to welcome you to Alaska.

I am Virginia Kvasnikoff. I am the vice president of the Ninilchik Tribal Council, and also the health representative for the EEDA Regional Consortium of Tribes Council and alternate to Alaska Native Health Board. I was also a former health aide for 9 years, and I sympathize with their issues.

I am representing Ninilchik, and not only Ninilchik, but my 17 grandchildren. That is who I represent today.

Ninilchik is a quiet village in the winter, but in the summer our identity is almost lost with the influx of tourists. We have several campgrounds and waysides, and the tourists come to catch the King Salmon, which it is famous. Our native people worship the King Salmon in their traditions, but now, through the strict regulations, can't even catch one or they will go to jail if they don't comply with regulations.

In our constitution we established boundaries, and you have to reside in them to be recognized. Under the new IHS eligibility regulations, you have to be a recognized tribe or you are not included on their rolls.

I think that the eligibility law is a discriminatory law. You don't see this with any other groups of people—it only concerns the Indians. The blacks don't have eligibility law. The whites don't. The Japanese don't. Why should Indians have to have an eligibility law?

In the early centuries, Indian people were afraid to admit they were Indians because of the social restrictions that were put on them. So some of them were denied their Indian heritage. They weren't allowed to go to public schools or to vote until this last century.

The profit corporations are in the business of making money, and our tribal governments are there for the health and social services of our community and the tribal issues.

So, in good faith with BIA, we established a council of written record and constitution and tried to comply with them and have meetings on a regular basis and try to work for the welfare of the people, and still have not been recognized by BIA.

Under ANCSA we were recognized as a tribal village. Why should we have to prove a second time that they are a tribe when they already have proven once?

We are citizens of this country, we pay taxes, and we vote for the people who govern us. How long does it take for us to be recognized? We were here when people came, and we are going to be here forever, so why don't they recognize us?

Thank you for allowing me the opportunity to speak this evening.

[Prepared statement of Ms. Kvasnikoff appears in appendix.]

The **Chairman**. I think this is a very appropriate way to close the hearings. The Nation may not recognize you, but my committee does.

Ms. **Kvasnikoff**. Thank you.

The **Chairman**. The committee has received written testimony from Mr. William Ka'iana and Mr. James Wasili. Without objection the testimony will be made part of the record.

[Prepared statements of Mr. Ka'iana and Mr. Wasili appear in appendix.]

The **Chairman**. On behalf of the Select Committee on Indian Affairs, may I thank all of you for participating in these proceedings. May I assure all of you—especially those who have testified—that your words are taken seriously and will be discussed upon my return to Washington.

As I indicated earlier, I will now proceed on my visitation to several villages throughout Alaska to meet with Native peoples one on one, to meet with organizations, and to personally discuss their concerns.

You may be assured that some day soon some of your suggestions will be translated into legislation. It is bound to happen. And at that time you can tell your friends and neighbors, "That's my amendment."

[Applause.]

The **Chairman**. With that I thank you once again, and hope to see you again.

[Whereupon, at 10:40 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

TESTIMONY OF
MYRA M. MUNSON, COMMISSIONER
ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES

As the Commissioner of Alaska's Department of Health and Social Services I am pleased to be among many Alaskans to welcome you to the State of Alaska. The issues you have on the agenda for these hearings are of vital interest to the state and Alaska Natives.

We in Alaska pride ourselves on those things which are unique about our state. We enjoy a vast and rugged terrain, mostly accessible only by air. We enjoy a small population representing great cultural diversity and richness.

We in Alaska are also realistic about the challenges facing us -- and they are many. More than 200 Alaska Native villages are scattered throughout our vast state. With few exceptions, the residents of these villages must travel by air to have access to basic services that other citizens take for granted, including professional medical care, mental health services, and treatment for alcoholism or substance abuse. The suicide rate among Alaskans generally, and among young Alaska Native men especially, is among the highest in the country. We have one of the highest birth rates in the country. We have high rates of alcoholism and reported child abuse and neglect.

The Department of Health and Social Services is an umbrella agency serving all Alaskans. We provide financing for health care for individuals through our medicaid and state funded programs, public assistance, grants to support community mental health programs and alcoholism and substance abuse prevention and treatment programs, public health services, child welfare and juvenile delinquency services.

We, and all Alaska Natives in the state, rely on the Department's partnership with the Indian Health Service and the Bureau of Indian Affairs to deliver necessary services. We rely on a continued federal commitment to the special relationship of the federal government to Alaska Natives. If that commitment is not fully sustained the Alaska Native people of this state, and, in fact, all Alaskans will suffer a loss of critically necessary services.

The matters you are dealing with today -- Indian Health Service eligibility regulations, the Community Health Aide

Program, Community-Based Mental Health Programs, and the Indian Child Welfare Act -- concern both Alaskan Natives and this agency.

INDIAN HEALTH SERVICE ELIGIBILITY REGULATIONS

The State of Alaska strenuously opposes the proposed Indian Health Services' amendments to eligibility regulations. We are appreciative of the extension of the Congressional moratorium on these proposed regulations and hopeful that they will be withdrawn prior to the expiration of the moratorium. If that does not occur, we support Congressional action to override these proposed changes.

These proposed regulations, if adopted, would severely restrict access to health care for Alaska Natives presently served. According to the Indian Health Services area office, approximately 12,000 people may lose access to Indian Health Service care upon adoption of these regulations, and in 1992, as Alaska's Native children reach age 19, they will become ineligible as well. This shift will increase the burden on Alaska's health care delivery system and reduce other critical services we provide.

We currently estimate that more than 40,000 Alaskans are presently without health coverage, two thirds of them families with children. If the proposed regulations become effective this number could go up to 52,000. The lack of preventive care, especially through the the prenatal and early childhood stages, proves very costly in the end. Infant mortality and children born with mental and physical handicaps are examples of this cost.

We are trying to close the gaps that exist in health care coverage, especially for pregnant women, children, the elderly, and the working poor. The state and the Indian Health Service meet quarterly and have founded a close partnership to stretch resources and coordinate our systems of care. Cooperation and partnership, however, do not replace the financing needed to meet one of government's most basic obligations, ensuring access to health care, especially for those who can't afford to provide for themselves.

We urge the Indian Health Service to retain its current level of commitment to providing health care to Alaska Natives by withdrawing the proposed eligibility regulations before the expiration of the moratorium. In the event the Indian Health Service persists in its intention to adopt these regulations, we urge Congress to further intervene to prevent them from becoming effective. The cost of eliminating health care to more than 12,000 Alaska Natives will exceed in the long term whatever small savings these regulations may offer to the federal government.

COMMUNITY HEALTH AIDE PROGRAM

The Community Health Aide Program is a program in crisis. Community health aides are the backbone of health care for Alaska Natives living in villages, apart from regional and urban centers. Community health aides are often the only health care representatives for Alaska Natives who live in villages. They are relied upon to make preliminary diagnosis and offer treatment with only long distance support. They are truly the "eyes and ears" for the professional health providers.

The health care delivery system built to serve Alaska Natives living in traditional villages is absolutely reliant on the individual health aides. The health aide not only provides direct services, but arranges access to health care for the people living in the village. The health aide is sought out for assistance in virtually every kind of personal crisis within the village. Without the health aide the entire system of providing health care to Alaska Natives living in villages would have to change and far more trained nurses and doctors would have to be deployed, if they could be found.

Critically under-funded, the program is not paying health aides a salary consistent with the demands of the job -- most earn an income below the poverty level for receipt of Aid to Families with Dependent Children. The attrition rate among health aides in Alaska is 33 per cent.

In addition, health aides are not being trained sufficiently. Nearly a third of all health aides have less than the first four weeks of basic training, while over half have less than eight weeks of training and are not certified. Health aides are not supervised or supported enough in their difficult and stressful job.

These problems and others exist because the ratio of health aides to villages has never changed to account for the expanded responsibilities of health aides, the increased training requirements, and a 49 per cent increase in the Alaska Native population. The demand for services has grown so much that in the 1987 fiscal year the program provided care in 208,501 patient visits.

The current appropriation being considered is a start. It will go a long way toward meeting the needs of this vital part of Alaska's health care delivery system. But the commitment must be sustained over time. By the Indian Health Service's own funding formula a funding increase of $16,079,323 is needed to bring the program up to standards.

Inaction must not be allowed to cost us this most fundamental and proven part of the health care system.

COMMUNITY-BASED MENTAL HEALTH SERVICES

I am especially glad that this committee has chosen to ask for testimony regarding community-based mental health services. In this field of service delivery, perhaps more than in any other, we must all accept the responsibility to look for innovative methods of defining the need for service and for delivering the services.

The Alaska Department of Health and Social Services, like the Indian Health Service, relies almost exclusively on Alaska Native regional health corporations to provide mental health services for people living in regional centers and for the surrounding villages. Alaska has two types of rural community mental health centers; regional, which serve from 11 to 36 villages, and sub-regional, which serve from 5 to 9 villages. The partnership between the funding sources and the regional and sub-regional providers must continue, but it must also be expanded to include, more meaningfully, the people who live in the surrounding villages.

Due to this regionalized approach, the response time in a crisis, such as a suicide attempt, is often too slow. Clients frequently must be removed from the village to bring them to a needed service. With this "circuit rider" approach to care delivery and the low ratio of staff to villages the providers spend little time in the villages. As a result they are not known and trusted as people the villagers can bring their problems to.

Most of the people served are Alaska Native, but rural mental health clinicians are frequently non-Natives, who are unfamiliar with the culture, do not speak the language, and who may be uncomfortable in village environments. The turnover rate among these clinicians is very high. Both clinicians and villagers agree that in so far as the rural mental health system in Alaska is based on an urban model -- it does not work adequately.

In villages, mental, social, economic, and substance abuse problems are related. Traditional funding and treatment approaches fail to adequately recognize these relationships. The challenge facing all funding entities -- the Indian Health Service, the Bureau of Indian Affairs, and the Alaska Department of Health and Social Services -- is to reexamine our assumptions, our programs, and our funding levels, and to recommit to improvements.

The Department of Health and Social Services is now funding two innovative programs, which we hope will help us meet this challenge. In three villages, mental health research projects, staffed by local people, are being funding to try to find local definitions of mental health and local preferences for services and service providers. This information will be used to evolve new service delivery models, as well as new training and certification programs that will allow local people to join with regional mental health providers to improve delivery of culturally appropriate mental health services.

The second program, just started, is the Community-Based Suicide Prevention Program. In this new grant program, funding is made available directly to villages and other entities through a simplified and supported process. This program encourages communities to confront the problem of self-destructive behavior on their own terms and according to their own definitions and to suggest new strategies for preventing or minimizing the behavior. Community development specialists are made available to potential applicants to help them carry out the work of defining the problem and developing a strategy to which the members of the community are committed. Materials about this program are enclosed.

We look forward to having the opportunity to benefit from learning about other innovative models for delivery of mental health services to American Indians and Alaska Natives and to continuing to share what we learn from our efforts in Alaska. As in the other service areas addressed in these hearings, funding must be adequate or the best outcome will not be achieved. Given the seriousness of the problems addressed by mental health programs, I respectfully urge that additional funding be made available to support improved mental health services to Alaska Natives.

THE INDIAN CHILD WELFARE ACT OF 1978

I appreciate having the opportunity once again to address this committee regarding the need for amendments to the Indian Child Welfare Act (ICWA). In the interests of brevity, I am not repeating comments made in oral or written testimony during the November 10, 1987, Oversight Hearings on the Indian Child Welfare Act, conducted by this committee. I continue to support amendments of the Act. I cannot support, however, the sweeping changes made by S. 1976.

S. 1976 attempts to do too much; it contains too many changes, some of which are arguably unnecessary. The changes needed to ICWA are important ones and they should not be jeopardized because of divisiveness over minor amendments or changes which are too sweeping. For the Act to be most effective it must not only be a tool for compelling compliance, but also a moral imperative for states and private agencies. We should take care that the latter is not lost in unnecessary, renewed litigation.

Jurisdiction

In Alaska major concern arises from decisions of the Alaska Supreme Court and the U.S. District Court for Alaska holding that because Alaska is a "Public Law 280 state," tribal courts can exercise exclusive or concurrent jurisdiction over child custody cases only if they obtain Interior Department approval under the "reassumption" provisions set forth in ICWA and its implementing regulations.

I wish, on behalf of Governor Cowper, to reiterate his support for amendment to the Act that would make it easier in the future for tribes in Alaska to exercise concurrent jurisdiction over child custody proceedings. The Governor's proposal is addressed in a letter from John W. Katz, Director of State-Federal Relations and Special Counsel to the Governor, to the Honorable Daniel K. Inouye, dated May 25, 1988, a copy of which is enclosed with this testimony.

Voluntary Adoptions

Throughout the country, the most pervasive concerns about implementation of the Act arise in voluntary adoptions. We share this concern and believe provisions related to voluntary adoptions must be strengthened.

Many of the cases that have reached an appellate court arise from language in ICWA which excludes some unwed fathers from the definition of "parent" in Sec. 4 (10). Clarification could be accomplished with the following language:

> "parent" means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include the unwed father where paternity has not been acknowledged or established[;] under tribal or state law, or recognized in accordance with tribal custom. Acknowledgement may be accomplished by open proclamation by the unwed father to the court, the child's family, or a child placement or adoption agency. For the purposes of section 102 (a), parent also includes any unwed father whose paternity has not been so acknowledged or established;"

Such language would protect the right of all putative fathers to receive notice of child custody proceedings. It would also clarify in the statute how paternity is acknowledged or established so the father, and accordingly, his tribe, are able to exercise full rights to participate in the proceedings.

As stated earlier, the Department agrees with tribal advocates that many abuses of the Act occur in voluntary adoptions, especially in those arranged through private agencies or without the benefit of an agency. I believe the Alaska Department of Health and Social Services has developed policies and practices in conformity with the terms of the Act and with Alaska Supreme Court decisions to minimize the likelihood of abuses occurring. Much of this could be incorporated into the Act.

As the Act is currently written tribes have a right to intervene in all termination of parental rights proceedings, under Sec. 101 (c). This includes those arising voluntarily and those which occur as part of an adoption proceeding. The Alaska Supreme Court has gone further than the Act and held the tribe also has a right to intervene in adoption proceedings, even when the termination of parental rights had occurred earlier. The Court found such a right necessary to effectuate the tribes interest in the placement of the child.

No tribal right to receive notice of the possible voluntary termination of parental rights or of an adoption is stated in the Act. However, for over two years it has been the Department's policy to send such a notice at the time a relinquishment of parental rights is taken from the parent and to not ask the court to enter the termination order until the required time has passed after notice is received by the village. This practice is consistent with a ruling made recently by a Superior Court in a contested private adoption. It makes truly effective the right of intervention, which is largely meaningless without notice.

This notice can be sent even when the parent requests anonymity under Sec. 105 (c) using procedures the Department has adopted. When a parent has asked for anonymity, the only identifying information on the notice is the court number. If the tribe is concerned about the case it can call the agency or the attorney involved. If the agency is unable to satisfy the tribe that the decision by the parent and the placement are acceptable, the tribe can intervene in the case and gain all the identifying information. In cases where the tribe is satisfied, it will usually respect the parent's request for anonymity.

We hope the Committee will closely examine the policies set forth above as a model for amendment to the voluntary adoption provisions. We believe they represent a significant improvement over present law and respond to most of the concerns of tribal advocates.

In my earlier testimony about the effectiveness of the Act in changing child welfare practice as it effects Indian and Alaska Native children, I spoke about the need for increased funding for tribal and state child welfare programs, if we are to achieve the improvements sought by the Congress when it enacted the Act. Today I want to reiterate those comments, but in the specific context of adoptions' practice.

ICWA requires exploration of family and tribal placement options prior to considering other placement possibilities. Increased financial support for public, private, or tribal adoption programs did not accompany the Act, however. Many public agencies, ours included, have viewed adoptions, especially of babies, as a program that could be handled by private agencies. Accordingly, over the years we have scaled back our adoption service efforts mostly to serve children who come to our attention through other child welfare matters.

Private agencies rely financially on the payments they receive from families seeking to adopt to support the services they offer to parents seeking to relinquish a child for adoption. When the placement practice shifts from choosing a family from an existing pool of families already approved to adopt to searching for a family for the particular child from a unique extended family and tribe, the financial base of the private agency is eroded.

While this erosion in the financial base of the program does not excuse poor, and perhaps even illegal placement practices, it does make apparent that either the private agencies are going to need financial support or they are going to have to refer Indian parents, who wish to place a child for adoption, to public or tribal agencies. Neither is adequately funded.

Statistical Information

In my earlier testimony, and by addendum to that testimony, I have tried to make some statistical information about compliance with the Act available to the Committee. In doing so, I have had to comment about the great difficulty we have in acquiring reliable data due to the inadequacies of our data systems. Although progress is being made in implementing a management information system that will make the kind of information you need readily available, we are not there yet.

In May, Senator Inouye wrote asking for additional, and more complete, data. It is obviously important that you have such data when considering amendments to the Act. Accordingly, I asked the Division of Family and Youth Services, which has the direct responsibility for our child welfare program, to undertake a special project to obtain the best data we could to answer your questions. A copy of their report to me is enclosed as an additional addendum to this testimony. Where there are limitations in the reliability or completeness of the data, and there are unfortunately many, they are identified in the report.

Although, as I stated before to this Committee, there is need for more improvement, progress has been made through the efforts of staff in the Department and through the efforts and increased involvement and advocacy of tribes and tribal organizations.

CONCLUSION

Last November, in closing my written testimony to this Committee for the Oversight Hearings on the Indian Child Welfare Act, I stated:

> Preventing unwarranted or improper intervention in Indian families is an important part of achieving more stable and valued tribes and Indian families, but the Act cannot accomplish the job alone. I urge you to look to the policies that support all the children in this country, particularly Indian children and families and Indian tribes, to achieve that full purpose. We must examine all of the ways in which support for Indian tribes and Indian people have been reduced, and reconsider those policies as well as those embodied in the Indian Child Welfare Act if we are going to achieve the purposes of the Act.

By holding these hearings, which focus on federal support for health care of Alaska Natives, including the Community Health Aide program and mental health services, and the Indian Child Welfare Act, you have taken a large step in that direction.

All of these subjects must be viewed as inextricably intertwined. They must each be examined as a part of the special relationship the Congress has with Alaska Native people. The social and health problems of Alaska Natives are among the most accute in the nation. They require a commitment both in financial support and in a willingness to adopt delivery systems and programs that are compatible to the needs and traditional systems of Alaska Natives. On behalf of Governor Cowper and the Department of Health and Social Services, I pledge the support of the State of Alaska in your efforts to improve the services provided to Alaska Natives and urge appropriate Congressional action to further that improvement.

PROFILE OF
NATIVE YOUTH
RECEIVING CHILD WELFARE SERVICES

For:

Myra M. Munson
Commissioner
Alaska Department of Health
and Social Services

By:

Yvonne M. Chase
Director
Division of Family
and Youth Services

Introduction

You have requested information profiling child welfare services provided to Alaska Native children as a basic means of assessing implementation of the Indian Child Welfare Act by the Division of Family and Youth Services. You received a similar request from Senator Daniel Inouye, Chairman of the U.S. Senate Select Committee on Indian Affairs (copy attached). To facilitate a cohesive response to both requests, staff have used the information requested by Senator Inouye as an outline for formatting this report.

Date Limitations

The following represents the most complete and accurate data available on the numbers of Alaska Native and Indian children who have received child welfare services in Alaska. Department of Health and Social Services staff undertook an extensive effort to provide you with the most complete information possible. However, as you know, there are inherent deficiencies in the management information system of the Division which severely limit the kinds of information about clients and services which are captured and can be retrieved by this system.

A short explanation of the system may be useful in interpreting the data. The system was designed and implemented in the mid-1970's in response to requirements of Title XX of the Social Security Act. Its primary purpose was to function as a system for automating provider payments and ensuring compliance with the Title XX "fifty percent rule" which required that at least half of clients served with Title XX funds be eligible for assistance under one of several Federal programs. It was not designed to provide client placement histories or retain other types of historical information on clients, providers, or payments. Also, because of the limited integration between the three sub-systems (provider, payment, and client), there is difficulty in matching information between the sub-systems. These difficulties are compounded when the information sought is of an historical nature.

As information needs have evolved over the years, the system has been altered and enhanced to capture and maintain additional types of information. These enhancements were undertaken to respond to the more sophisticated understanding of the types of information required to evaluate program effectiveness which has developed since the system was implemented. Although these enhancements have been useful, they have not altered the basic system design nor can they overcome inherent limitations in the system such as lack of certain historical data.

In general, accurate information is available only from 1979 forward. Data is presented for both calendar and fiscal years due to system limitations. The periods are noted throughout but the differences should be considered when comparing data from different tables. In all instances in which calendar year 1988 data is presented it represents only partial data--through May 1988.

Where useful for interpretative purposes, graphic representations of the data have been included to make relationships more readily discernible.

Child Custody Interventions By Tribal Organizations

Information on the number of jurisdictional transfers of child custody interventions by tribal organizations is not collected by the Division. According to staff, formal interventions are rare but informal cooperative efforts by tribal organizations and State staff are a frequent occurrence, perhaps limiting the perceived need for formal interventions.

Jurisdictional Transfer To Tribal Courts

Information on the number of jurisdictional transfers of child custody cases to tribal courts is not collected by the Department. However, in an informal poll of staff, only one transfer could be recalled.

Pending Child Custody Cases

The Department does not collect data on the number of child custody cases pending in the court system. Nor have we been able to obtain such information from the Alaska court system. We do maintain information on the number of child protection cases served by the Division. This number includes both those cases in which a petition is filed with the court and those in which no petition is filed but child protection services are provided by the Division.

Our information system differentiates between cases in which the agency has custody and those in which services are provided but custody has not been awarded. Unfortunately, it does not differentiate between those cases in which a temporary custody order has been entered by the court and those in which an order of longer duration has been entered. Thus we cannot discriminate between cases with temporary orders, those commonly referred to as pending, and those with final adjudications.

In State FY 88, 3125 Alaska Native children[1] received protective services from the Department. Of these, 720 or 23% were placed in custody of the Division through a formal judicial child custody proceeding.

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[1] This includes American Indian children who are not Alaska Natives.

Foster Home Placements of Native Children

As of June 1988, there were 419 Native children in foster care placements in Alaska[a].

Racial Composition of Foster Care Placements of Native Children

While data on the number of Native children placed in Native foster homes is useful information by itself, a comparison of these placements with those of Native children placed in non-Native foster homes is far more illustrative of efforts to comply with placement preferences of the Act. A comparison of these placements in Alaska is presented below.

It is important to understand that these numbers represent unduplicated counts of children in each type of placement, i.e., placements in Native homes and placements in non-Native homes. However, since a child may be in more than one placement during a year, we chose to report the racial background of all placements for each child rather than arbitrarily exclude some placements based on sequence or duration.

If a child were placed in a non-Native home for two months during a year and a Native foster home for the remaining ten months of the year, the child would be counted twice in the tables below--once as a placement in a non-Native home and once as a placement in a Native home. But the child would be counted only once for each placement type. Thus, if a child had multiple placements in a Native home, the child would only be counted once for that placement type. This gives a more complete picture of efforts to comply with ICWA placement preferences than would otherwise be illustrated if, for example, only the last or longest placement were selected in order to show unduplicated client counts.

Calendar Year	Native Children In Native Foster Homes	Native Children In Non-Native Foster Homes
1979	93	135
1980	192	250
1981	271	300
1982	249	309
1983	281	289
1984	287	283
1985	298	331
1986	367	329
1987	410	353
1988(thru 5/88)	295	225

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[a] The numbers presented relating to foster care include instances in which placements are made in the home of a relative when a foster care payment is made. The figures do not include those instances in which no foster care payment is made to the relative.

Location of Foster Home Placements

As with placements of Native children in Native vs. non-Native foster homes, the most useful information relating to placements of Native children outside their home communities is comparative. Data on the numbers of Native children placed in foster homes outside their home communities is compared below with data on the number of such placements within their home communities. As above, the numbers presented indicate an unduplicated count of children in each type of placement, but individual clients may be counted once for each placement type.

The definition of home community used in developing these data includes the place of residence of the child and the child's family at the time agency intervention became necessary. It does not necessarily coincide with the village of origin of the child or the child's parents, although it may.

Calendar Year	Native Children In Homes In Community	Native Children In Homes Out of Community
1979	135	198
1980	262	317
1981	282	353
1982	298	370
1983	337	386
1984	339	429
1985	311	467
1986	324	513
1987	343	531
1988 (thru 5/88)	244	365

Adoptive Placements

The management information system used by the Department to collect information on adoptive placements was not designed for that purpose and can generate only limited information on adoptive services. It has only limited historical information on adoptions and does not maintain information on the racial background of adoptive parents. Consequently the system does not provide for cross-tabulations of the races of adoptive parents and adopted children and provides insufficient information to be of real value to the Committee in comparing adoptive placements of Native children with Native families compared to placements with non-Native families.

However, the following information is provided despite its limitations in hope that it will be of some use to you.

State Fiscal Year	Native Children Placed in Adoptive Homes
FY 84	45
FY 85	57
FY 86	66
FY 87	46

Emergency Foster Home Placements

The number of Native children placed in foster homes under emergency circumstances in Alaska from 1979 to the present is presented below. Placements made within the home communities of the children are differentiated from those made outside their home communities.

It is important to understand when interpreting these figures that they do not reflect emergency placements in residential care, emergency shelters, or receiving homes. The figures presented are somewhat skewed since they do not reflect placement practices in certain areas of the state--such as Bethel, Kotzebue, and Barrow--where the Native population is relatively large, where emergency placements are traditionally made in residential or institutional settings rather than foster homes, and where the residential facilities are operated by Native organizations or other community-based organizations.

The definition of community used in developing these data is consistent with that used above.

Calendar Year	Native Children In Homes in Community In Emergency Situations	Native Children In Homes Out of Community In Emergency Situations
1979	17	18
1980	123	134
1981	133	114
1982	175	125
1983	203	386
1984	276	429
1985	312	467
1986	315	513
1987	314	531
1988 (thru 5/88)	180	365

Average Length of Emergency Foster Care Placements

The average length of emergency foster care placements for both Native and non-Native children is presented below. Placement length is presented in days. Computation of the length of stay did not include foster care placements which were not of an emergency nature, i.e., long-term foster care placements made in accord with a disposition resulting from a child in need of aid proceeding.

Calendar Year	Average Number of Days In Emergency Foster Home Placements Native Children	Average Number of Days In Emergency Foster Home Placements Non-Native Children
1979	39.05	21.45
1980	11.52	10.78
1981	15.65	12.54
1982	16.88	16.08
1983	14.61	14.90
1984	16.70	16.47
1985	16.25	16.90
1986	16.83	16.62
1987	17.59	18.05
1988 (thru 5/88)	17.37	16.90

Record Keeping Requirements of Section 105(e)

Some of the limitations of the Division's automated information system have been described above. In brief, the Division of Family and Youth Services has an automated management information system implemented prior to passage of the Indian Child Welfare Act on which information is maintained concerning out of home placements of Native and non-Native children in state custody. However, these automated records do not contain information "evidencing the efforts to comply with the order of preference" specified in the Act and consequently would not meet the requirements of Section 105(e).

The type of information needed to meet that requirement does not readily lend itself to automated maintenance and retrieval. It essentially consists of narrative records documenting casework efforts and duplicating hard copy case records.

In addition, automated information on individual case histories is maintained in our automated system for a limited time (approximately four years) following closure of a case. Since no time limit is placed on the maintenance of placement records in Section 105(e) of the Act, this system may not meet the requirements of the Act if permanent record maintenance is intended.

The information needed to evidence Alaska's compliance with the order of preference in the Act and to provide a permanent record is maintained in hard copy format and/or microfiche in the form of case files. Responding to a request for the records of an individual child is obviously not an insurmountable problem even when the records are not automated. However, retrieval of this type of documentation can be a formidable task when a request is received for the records of all children of a particular tribal organization who have been in state custody, as has occurred.

While advances in technology have made it easier to maintain and retrieve in automated form the type of information needed to document compliance with the order of preference in placements, acquiring the advanced technology, migrating old records to the new format, and ongoing data entry remain problematic.

Unfortunately, passage of the Indian Child Welfare Act was not accompanied by funding to aid in the development of systems needed to collect and maintain required information. The states' responsibilities for maintaining and providing this information were increased substantially by the Act; however, no provision was made to aid states in the development of necessary systems. This has been particularly problematic for Alaska which has a large Native population and a great many tribal organizations. Responding to requests, particularly requests for placement histories, from the various tribal organizations can quickly exceed the capacity of the agency to comply despite a strong agency commitment to the goals of the Act and desire to accommodate such requests.

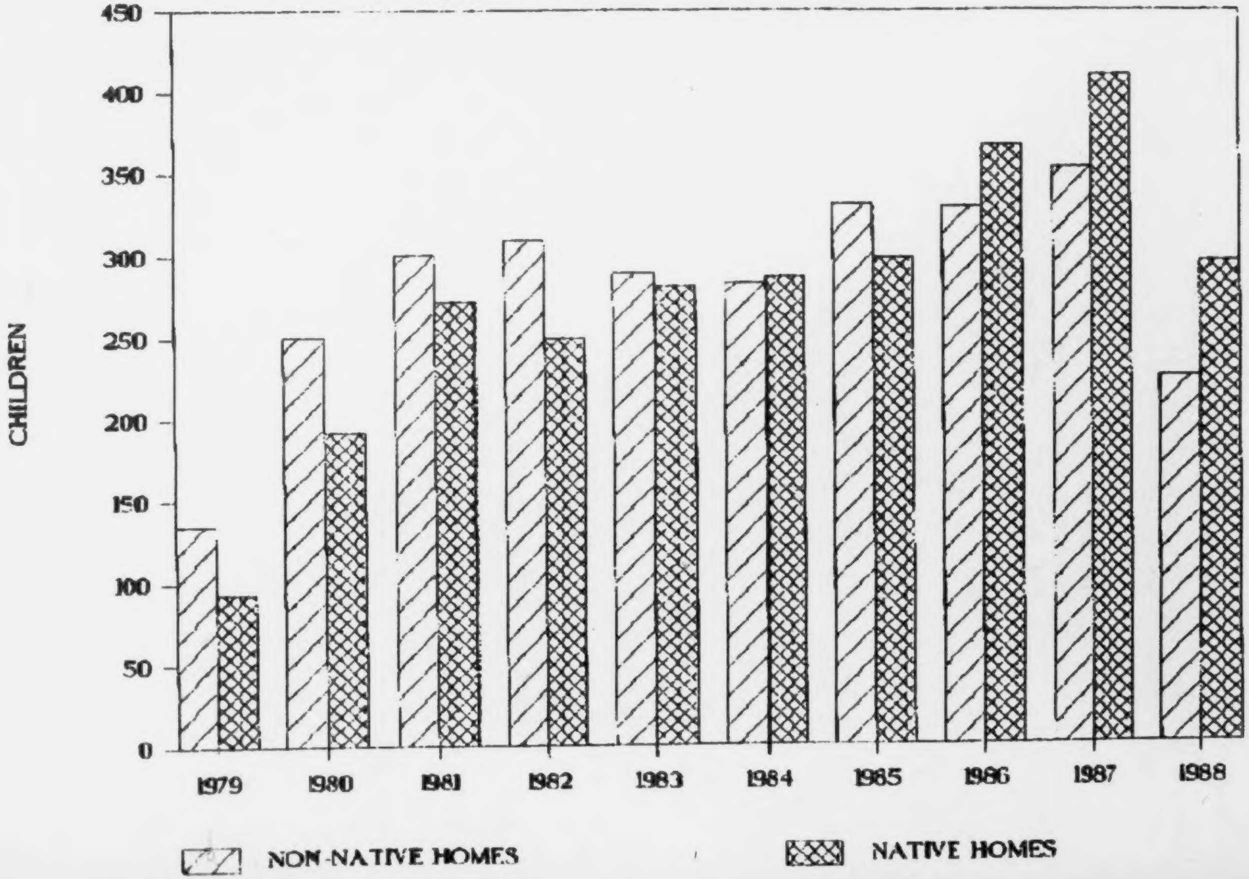
Summary

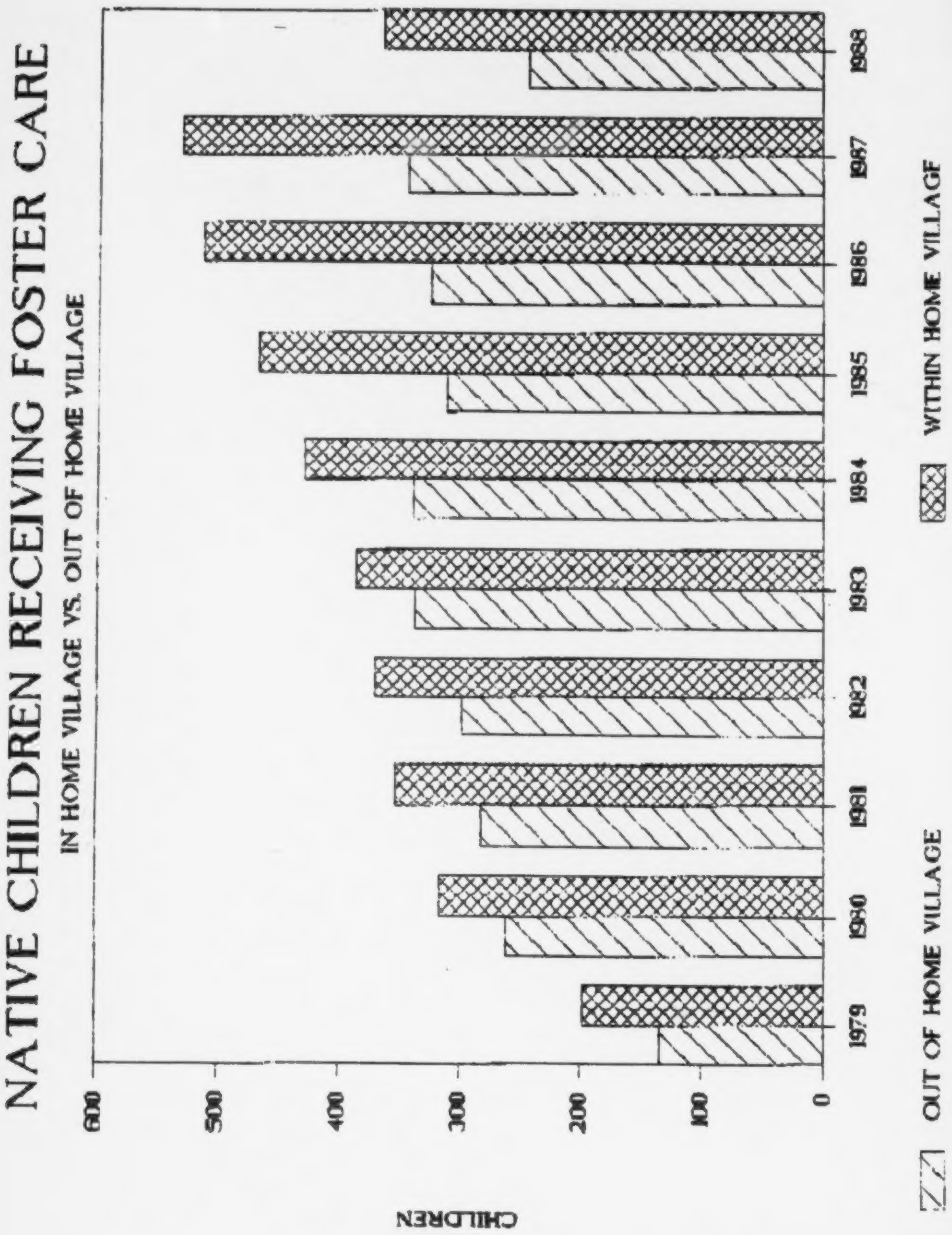
A review of the information presented leads to the obvious conclusion that the Division lacks the ability with its present information system to provide the type and quality of data needed for a thorough analysis of agency progress in implementing the Indian Child Welfare Act.

It also seems clear that improvements in agency practice have been made in certain areas, such as increasing placements of Native children in Native foster homes when foster care placement is necessary. Much remains to be done, however, and the lack of sufficient data to help guide agency decision-making is clearly a hindrance to program efforts.

NATIVE CHILDREN RECEIVING FOSTER CARE

IN NATIVE VS. NON-NATIVE FOSTER HOMES





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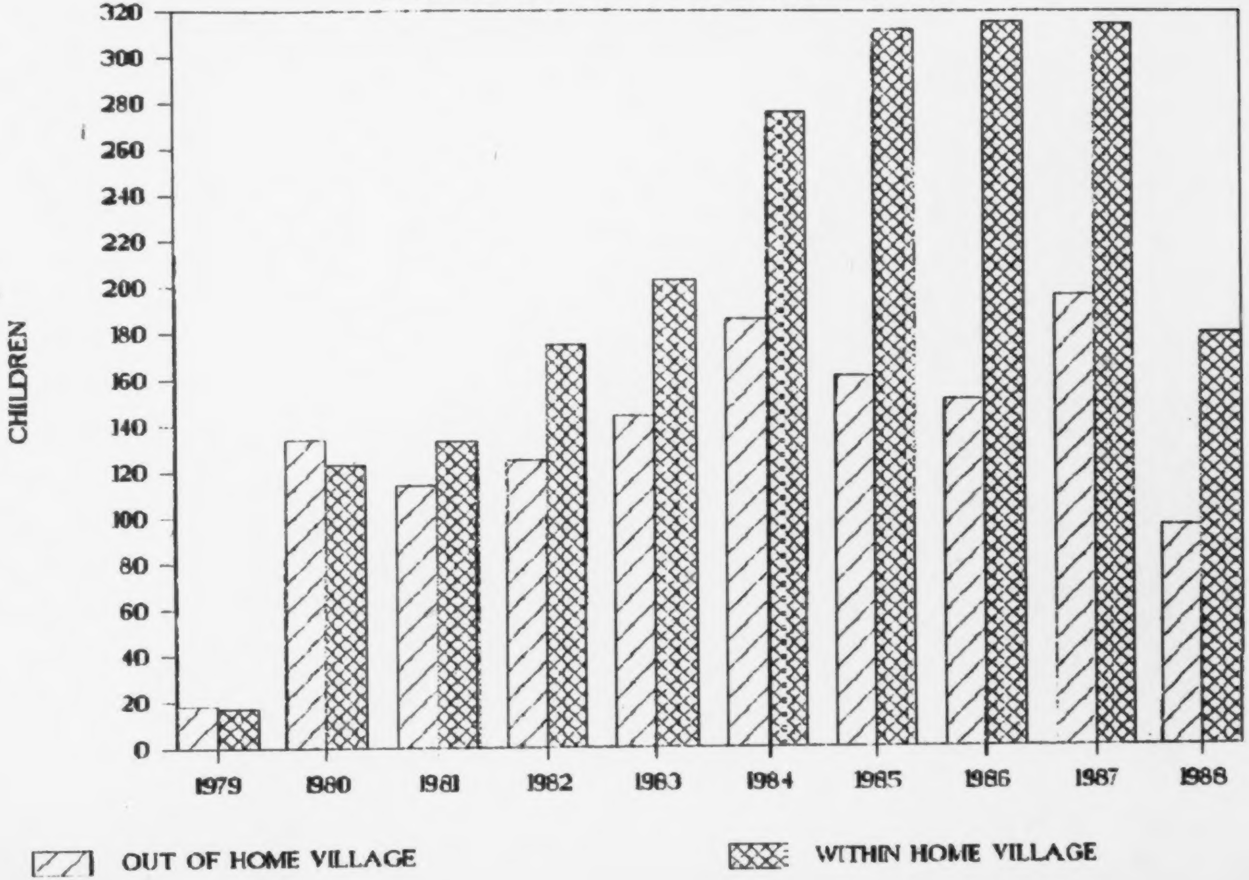
NATIVE CHILDREN IN EMERGENCY FOST. CARE

IN HOME VILLAGE VS. OUT OF HOME VILLAGE



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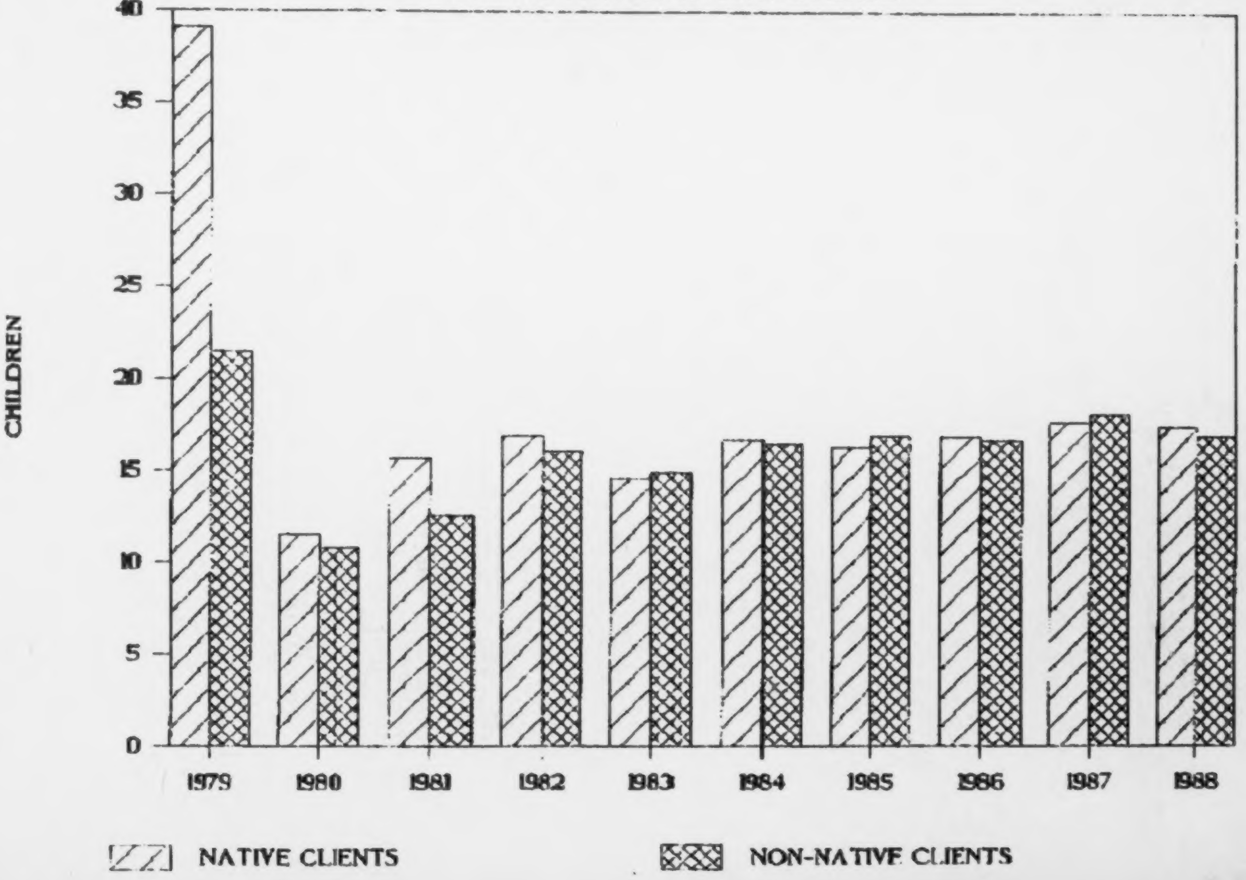
EMERGENCY FOSTER CARE PLACEMENTS

AVERAGE LENGTH OF STAY (IN DAYS)



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JUN 1988
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May 13, 1988

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P. O. Box H
Juneau, Alaska 99811

Dear Commissioner Munson:

As you know, the Senate Select Committee on Indian Affairs is currently considering legislation to make improvements in the Indian Child Welfare Act of 1978 (PL 95-608).

As part of its hearing process, the Committee wishes to get an accurate picture of the Indian child custody caseload in the field and to understand how the Act is working in various parts of the country. We are in the process of gathering aggregate (non-confidential) data on Indian Child Welfare cases and would be grateful if your department would supply us with such information from Alaska.

Although we are also contacting the Alaska tribes and tribal organizations which are active in ICWA, we recognize that your department is the largest statewide repository of this kind of information. We hope that your staff will be able to compile the following data and forward it to the Select Committee.

1. the number of ICWA child custody interventions filed by tribes or tribal organizations in Alaska, by year, since the Act went into affect in 1978;
2. the number of jurisdictional transfers of such cases from State courts to tribal courts, by year, since 1978;
3. the number of Indian Child custody cases now pending in the State court system, as of the most recent date for which you have accurate data;
4. the number of Native children in Alaska now in foster care placements, as of the most recent date for which you have accurate data;
5. the number of Native children who have been placed in

Native foster homes licensed by the State, by year, since 1978;

6. the number of Native children placed in foster homes located outside their home villages or communities, by year, since 1978;

7. the number of Native children who have been adopted through State (not private) agencies, by Native homes and non-Native homes, by year, since 1978;

8. the number of Native children who have been removed from their homes under emergency orders and placed in homes outside their own villages or communities, by year, since 1978; and

9. the average number of weeks which children in emergency foster care spend in such placements, comparing the duration for Native children with that for non-Native children, since 1978.

In addition, please describe for the Committee how the State of Alaska has implemented the record-keeping and information requirements listed in Section 105(e) of the statute. What have been the problems encountered in setting up and operating such a system?

I realize that this request is very complex and that in some cases data may not be available or may be incomplete. Any accurate data, as complete as the Department can provide, will help this Committee in its consideration of the pending amendments to ICWA.

I appreciate your assistance and look forward to receiving your response.

Sincerely,

DANIEL K. INOUYE
Chairman

STATEMENT OF

MITCH DEMIENTIEFF
President
Tanana Chiefs Conference, Inc.
201 First Avenue
Fairbanks, Alaska 99701

before the
SELECT COMMITTEE ON INDIAN AFFAIRS
U.S. SENATE

HEARINGS
ON
AMENDMENTS TO
THE INDIAN CHILD WELFARE ACT
at
Anchorage, Alaska

September 2, 1988

My name is Mitch Demientieff, President of Tanana Chiefs Conference, the consortium tribal agency for the 43 Alaskan Native tribes of Interior Alaska. Last November, during the ICWA Oversight Hearings TCC testified to some of the more disturbing statistics provided to us by the State which suggest that the rate of placement of Native children into non-Native homes in Alaska has slowed from estimated rates prior to enactment of the Indian Child Welfare Act. We strongly support the changes proposed in S.1976 as means to strengthen legal protections for Native children and families and urge the Committee to pass the legislation. Additionally, we have some specific concerns about the legislation which we would like to address.

TRIBAL JURISDICTION NEEDS TO BE STRENGTHENED IN P.L. 280 STATES

The majority of our villages are currently exercising tribal court powers on subjects such as alcohol regulation, child protection, adoptions, custody disputes, misdemeanors, etc. At the current time, we have 11 active child protection cases, where one or more children are in tribal foster care. In the past five years, our tribal courts have ordered or certified 22 adoptions. Since passage of the Act, our tribal courts have been offered case transfers of child protection cases from the State of Illinois, California, Georgia, Washington and New York. In most cases, our courts have declined to exercise jurisdiction over these transfer cases because the circumstances of the cases did not suggest that tribal jurisdiction would be helpful. In two cases, our courts accepted transfer, and we are in litigation in only one out-of-state case concerning transfer. We have never received transfer of a single case from an Alaskan Court to one of our tribal courts.

In recent cases, the Alaska Supreme Court has developed ICWA jurisdictional rules for Alaska which have resulted in a race to the court house between tribal and state officials. In _In re J.M._, 718 P.2d 150 (Ak. 1983) the Court held that the tribal court for the Native Village of Kaltag had exclusive jurisdiction over a case initiated in tribal court, and that the State courts could not assume jurisdiction over a child subject to a tribal court order unless the tribe formally waived jurisdiction. In Native Village of Nenana v. State, 722 P.2d 219 (Ak. 1986), and again in In re K.E., 774 P.2d 1173 (Ak. 1987) the Court ruled that a case initiated in state court could not be transferred to tribal court unless the Secretary of the Interior had approved such transfers under Sec. 108 of the Act. The result in Alaska is a concurrent jurisdictional regime that amounts to a race to the tribal and state courts to assume custody between tribal and state social workers. The first court to exercise jurisdiction has exclusive jurisdiction.

The practical effect on Native families can be demonstrated by the experience of one of our tribes. Recently, three sexual abuse cases were discovered in one village. In two cases, the family reported the cases to TCC Family Services workers, and the tribe assumed protective custody of the children. State officials attempted to assume jurisdiction over the cases, but were blocked by the Courts because of the pre-existing tribal orders. In the third case, the family reported first to State officials, and a State court protective order was issued. The difference in treatment of the cases illustrates the practical problem. The tribal approach was to leave the children in their homes, restrain the perpetrators from contact with the children and provide counseling services. The State automatically removed the child from her home, despite the fact that the perpetrator was willing to cooperate with the tribal approach to be restrained from contact until proper supervision could be established. The family wanted transfer to tribal court, but legally it could not be accomplished. In the tribal cases, the perpetrators understood that they were being punished and condemned, while in the State case, the child was traumatized and made to feel like the perpetrator rather than the victim. Our tribal social services and courts are not perfect, but we believe that they are more appropriate given the cultural context, despite the fact that our resources are much less.

Under S.1976, our tribal jurisdiction would be strengthened and be exclusive unless our tribes and the State entered into an agreement under Sec. 109 to make other arrangements. In May, the State contacted the Committee and proposed that jurisdiction should be concurrent between the tribes and states in P.L. 280 states like Alaska. As a policy matter, our tribes desire to develop a concurrent jurisdictional arrangement through a Tribal-State agreement under Sec. 109 of the Act. We are currently negotiating a 109 agreement with the State, but given the jurisdictional situation that now exists the State has not agreed to negotiate on the subject of jurisdiction to date. Therefore, we prefer the current proposal contained in S.1976 which provides that our tribes would have exclusive jurisdiction unless a Sec. 109 agreement is reached. In an extreme situation, we can do a better job of protecting our children than can the State until we can work out an agreement with the State under Sec. 109.

RECOGNITION OF ADOPTIONS UNDER TRIBAL LAW

The current treatment of tribal adoptions in Alaska has also resulted in confusion. For example, in the case In re J.M., discussed above, the tribal court ultimately terminated the natural parents rights, and ordered an adoption. The State, however, refuses to recognize tribally ordered adoptions, so that in the J.M. case, the tribe had exclusive jurisdiction over the case, but the state would not recognize its actions. The Village of Venetie and Fort Yukon brought suit against the State on this issue, but the federal court refused to order the state to recognize such adoptions and the case is currently on appeal. We have only dealt with one other state on this issue - Hawaii - and have not had these problems with that State.

Similarly, customary adoptions are treated in a confusing way. In Calista v. Mann, 564 P.2d 53 (Ak. 1977) held that custom adoptions would be recognized for the purposes of ANCSA stock inheritance, and in the Interior, some state agencies recognize such adoptions for the purpose of correcting state records.

However, different agencies in different areas of the State have different policies on whether they will recognize the custom adoptions, and it is not clear what affect customary adoptions are given.

The current language in S.1976 does not address these problems directly. We would request that a specific requirement be added to Sec. 101(e) which would require the State's to recognize all custom and tribally ordered adoptions for all federally assisted programs and to correct State birth records to recognize these adoptions.

STRONGER REMEDIES NEEDED

In our earlier testimony, we expressed a need for stronger remedies. Currently, violations of the Act - especially by private agencies and attorney's - carry little deterrence. Consequently, there is a financial incentive for private agencies and attorney's to violate the Act. We propose to remove this financial incentive by 1) allowing tribes to recover attorney fee's on successful efforts to enforce its terms, and 2) provide for civil fines up to $10,000 for willful violations of the Act.

Under the present law, enforcement is primarily by the tribes, so that the tribe's right of intervention allows the tribe to be a watchdog over State and private agency adoptive placement actions. This is an appropriate role for tribes to play, however, our efforts have had limited effect because of the lack of appropriate legal remedies available. If agencies or individuals violate the Act, what remedy would correct the tragedy? To remove the child from an illegal placement to which he has bonded may harm the child. We must focus our efforts at preventing these violations of the Act through effective deterrents.

Legislation allowing attorney fee's to be recovered by tribes enforcing the Act will promote two (2) positive goals. First, it will reduce tribal dependency on federal funds for legal costs, and shift the costs of enforcement to the violators. Second, it will encourage parties to settle cases more rapidly rather than using litigation to maintain the status quo of an illegal placement.

The proposal to levy fines for willful violations will destroy the financial incentives to violate the Act. On an average, private adoptions are costing up to $10,000, which go to private attorneys and adoption agencies processing the adoptions. There is little incentive for the adoption industry to place children in moderate to low income families which comprise the majority of Indian extended family members. A civil penalty would destroy the financial incentives. We do not want to penalize people who rely upon lawyers and private agencies in good faith and merely want to provide a good home to a child. These people are as much victims of unscrupulous attorneys and agencies as are the children. Therefore, we want to insure that the industry bears the burden of fines for willful violations.

FEDERAL ASSISTANCE TO TRIBAL FOSTER CARE

As we stated earlier, we have 11 active cases where children are currently in tribal foster care. Unfortunately, however, we do not have any funding to pay for the foster care, and so we are totally dependent upon volunteer foster parents. In some cases, the foster parents may qualify for AFDC for the child, but that is not always the case. Under the current ICWA, tribal foster care is suppose to be recognized by the State, but the decision in Native Village of Stevens v. Smith, 770 F.2d 1486 (9th Cir. 1985) held that while the State was legally required to give full-faith and credit to tribal foster care orders, it was not required to pay foster care out of its Title IV-E program unless the state entered into services agreements with the tribes which the State of Alaska refuses to do. Consequently, Indian children in tribal foster care are systematically denied federally funded foster care assistance because the State has made a political decision to not cooperate with tribal governments. Tribes are forced into making a cruel decision between handing their children over to the State agencies or rely upon family or volunteer foster homes and deny these children federal assistance to which they would otherwise be eligible. The State has abused its discretion in this regard, and Congress should put an end to this abuse in this legislation.

We do not believe that S. 1976 goes far enough to stop this kind of abuse by State policy. We would recommend that Sec. 201(b) be expanded to provide that where States refuse to enter into Title IV-E service agreements with tribes, the tribes may apply to operate directly a portion of the Title IV-E program for the State and be funded based upon a ration, which between the number of eligible tribal children in foster care and the total eligible children in eligible care.

CONCLUSION

We strongly support S. 1976 and urge the Committee to adopt these suggestions in considering the legislation.

TESTIMONY OF DEBORAH TENNYSON
BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
September 2, 1988

Chairman Inouye, distinguished committee members and staff, I appreciate the opportunity to give testimony today on the Indian Child Welfare Act. My name is Deborah Tennyson, and I am the Executive Director of the Bristol Bay Native Association, a non-profit regional corporation which adminsters a variety of social, economic and educational programs in the Bristol Bay area. I have been BBNA's Executive Director since 1985, and I worked for BBNA in other capacities for eight years before that. Our region is located in Southwest Alaska and is about the size of the State of Ohio. The population of about 6,000 residents, the overwhelming majority of whom are Alaska Natives, lives in 30 villages scattered throughout the region, isolated from one another and accessible only by airplane.

BBNA first became involved with the Indian Child Welfare Act in 1982 when we received our first ICWA grant from the BIA. BBNA has continued to work on ICWA matters in our region over the years, whether grants have been funded or not. BBNA serves as agent for almost all of our tribal governments. This experience in the direct implementation of the Act in rural Alaska has given me insight into its practical value, and enables me to draw some conclusions which I believe merit your attention as you consider amendments to the Act.

The first and most important insight is simply that the Act is needed, and that despite many flaws, it works. However, making it work and dealing with the inconsistencies of the Act and its implementation have and continue to be very frustrating. Some BIA policies actually seem designed to keep Indian Child Welfare programs from being effective. The funding process puts tribes and tribal organizations into competition with one another for a share of a pie not large enough to go around. I have found it ironic that the funding criteria and review process for successful applicants often show the same kind of bias which brought about the need for ICWA - such as an insistence on MSW social workers instead of those requested by the tribes, and on the approval, in the form of support letters, from state social workers, police and courts instead of the support of tribal members and governments. In Alaska, a representative from state Social Services even sits on the panel that determines which Alaska applicants get funded.

When BBNA received its first grant we were told by the BIA that our social worker could provide 'social services' but could not tell tribal councils about the Act. We have consistently been told that ICWA funds could not be used to provide attorney services; yet court interventions are the only clear power Alaskan villages have under the Act, and attorneys are required for villages to appear in court.

BBNA has learned to manuever around some of these problems, but I believe that our experiences show the need to support programs designed to carry out the intent of the Act, and to strengthen it further.

In the late 1970s and early 80's, state provision of protective services to children in Bristol Bay was inept and chaotic. The one social worker stationed in Bristol Bay at the time was untrained and almost completely ignorant not only of ICWA but of the requirements of state law. Sometimes children were removed from their homes without any legal process at all, and once in the state system they were shuffled around almost at random. Parents typically did not understand their rights or the consequences of state removal, and were culturally disposed against vigorously opposing authority figures. The result was that parents often did not contest removal of their children, and out-of-home placements frequently lasted longer than they should have, sometimes permanently.

There was no concerted effort by the state to license foster homes, and those families interested in licensing were put off by cumbersome paperwork requirements or eliminated by the environmental requirements. Native homes were often considered unsuitable for licensing because they did not have enough bedrooms, or windows or plumbing. The interview format included an amazing list of questions about child rearing and attitudes on discipline, social interaction and sexuality. The cultural bias in the entire application package was painfully obvious.

Because licensed foster homes were not available, children were often placed with the social worker herself; others were sent to licensed homes outside the region and cut off not only from family but from their culture. To this day there are children from Bristol Bay who became enmeshed in the system in the 70's and early 80's who have never returned from placements outside the region - placements which were unneccessary and, under ICWA, illegal in the first place.

There was virtually no attempt to involve the village or tribal government as mandated by ICWA. Village families are inter-related, and village people look out for their own and freely care for each other's children. But typically, once the state intervened with a family, traditional care-taking practices were cut off and there was no further involvement with the village. When the state finally did begin attempting to comply with the tribal notice requirements in 1981 and 1982, notices were routinely sent to the regional for-profit corporation in Anchorage rather than to the village tribal governments.

The past five or six years have seen a marked improvement in the situation. Gradually, in Bristol Bay, the courts, social workers and attorneys all became educated in the Act. The result has been that in our region few children are arbitrarily removed from their homes, state efforts to rehabilitate and restore dysfunctional families have increased, most children taken into state custody spend less time there than was once the case, and the placement preferences of the Act are generally met.

I might add that officials in the Department of Health and Social Services, including current Commissioner Myra Munson, deserve credit for their philosophic sympathy with the Act and for attempting to improve the Department's compliance.

BBNA's Indian Child Welfare Program spent a good deal of time increasing village involvement and awareness of the Act, despite the BIA's belief that this was not an allowable activity. At any given time we have between 20 and 30 ICWA cases. We are often able to find suitable extended family or Native placement of children when the state has failed to do so; this is particularly true when the case originates out of state or out of region.

Three times in the past year we have succeeded in having Alaska Native children in state custody in the Lower 48 returned to Alaska and placed with their extended family. Within Alaska, twice in the past year we have found village placements for children in state custody after Anchorage social workers concluded they had no extended family and could not be placed within the preferences of the Act. In both cases we found the the children in fact had large extended family, including grandparents, in the village. Due to our intervention the children were placed in the village, the parents moved back and the nuclear family was eventually restored.

None of the improvements in children's protective services in the last few years would have been likely without the Indian Child Welfare Act; some would have been impossible without it. So my first conclusion is, whatever else may happen, Congress should not weaken the Act. The hostile commentary your committee received on the proposed amendments raises the concern that there may a push from some quarters to do just that. Most of the hostile commentary came either from those whose jobs are made more difficult by the Act, or from those such as Secretary Hodel or Deputy Secretary Swimmer who do not, apparantly, have the slightest idea how children's cases work in the real world. I urge the committee to closely examine any substitute amendments proffered by those sources, and to adopt nothing that may weaken the Act.

Another conclusion is that the Act needs to be strengthened substantively, and while I don't intend to address the specific provisions of the proposed amendments, in general I support them. ICWA compliance has improved in Bristol Bay, but in cases arising outside our region we are almost inevitably met with resistence to the Act, and sometimes with racism. For example, our ICWA worker was told recently by a state social worker in Kenai, "We don't use Native placements, because practically all the Natives in our area are drunks."

Even within Bristol Bay the state system operates with a distinct middle class bias that works to the disadvantage of Native families. The social workers, attorneys and judges are not Native. And even in Bristol Bay, once negotiation with the state fails there is relatively little BBNA or a village can do to ensure the placement requirements of the Act are met.

While a tribe has the right to intervene in court, it is standard practice in Alaska for notice to be mailed to the tribe weeks or even months after initial custody is taken. By then, the passage of time makes it quite difficult to effect a change of placement in favor of a village family. It is also standard practice for the initial emergency or temporary placement to be with a foster home previously licensed by the state, which almost inevitably excludes the most logical resource - extended family and village members.

Since there are so few licensed Native foster homes - virtually none in the urban areas - these initial placements are almost invariably outside the ICWA placement preferences.

Even though some of these standard state practices probably violate the Act, under existing court interpretations little can be done about it. Judges don't like to shift children around, and very few judges would actually dismiss a child neglect case for a mere procedural violation, such as failing to notify the tribe in a timely manner. In any event, the judge will almost always find a reason to avoid a tribal placement if it is opposed by the social worker, state attorney, and guardian ad litem - all of whom are typically non-Native and who, in the urban areas, are often totally unfamiliar with the child's village and Alaska Native culture. BBNA has fully litigated placement issues in two cases arising in urban areas of the state, and lost, even though the state placements we contested were in white foster homes and suitable tribal homes were available.

The Act is weak in Alaska because of Alaska Supreme Court decisions that hold Alaskan tribes have no jurisdiction to decide children's cases, and cannot have cases transferred to tribal court. At the very least ICWA should be amended to make clear that tribes that wish to can exercise some jurisdiction over children's cases. The placement preference provisions should also be tightened so that state courts cannot find "good cause" to avoid tribal placements whenever the state social worker asks them to.

One final comment concerns Secretary Hodel's characterization of the proposed ICWA amendments as "pure racism." Nothing could be further from the truth. To a worker in the field it is clear that the amendments were designed to clarify ambiguities in the Act and to strengthen it in places where the experiences of the last ten years have shown it inadequate to fulfill its purpose. While perhaps not perfect, the proposed amendments are a good place to start if Congress truly wants to make the Indian Child Welfare Act work for Native American children.

PREPARED STATEMENT OF BERTHA CAVANAUGH

Greetings! My name is Bertha Cavanaugh and I am the second Vice-President of the Tlingit and Haida Central Council of Tlingit and Haida Indian Tribes of Alaska.

INTRODUCTION

The Central Council of Tlingit and Haida Indian Tribes of Alaska is a federally recognized tribe and has an enrollment of over 16,000 members. Our tribal members reside throughout all areas of Alaska, across the continental United States, in Canada, and in Europe.

The Central Council is also a non-profit tribal agency which has an Indian Child Welfare Program in its Human Services Department. Our current ICWA budget is $118,000.00. As of July, 1988, the tribe had 505 active Indian Child Welfare cases. This budget does not begin to meet the demand for assistance in ICWA cases. The average caseload for our tribal ICWA caseworker would be 100 cases. This total includes one-third of cases which are initiated out-of-state and one-third of our cases which are out of the Southeast Alaska region. By "active", we mean children who remain in state custody, whose parents cannot have the child returned to his/her legal custody on demand.

We work closely with the states in many of these cases, however, we are unable to work as closely as we would like with states on all cases.

We believe in the Indian Child Welfare Act, because it protects our rights in relationship to our children and we appreciate having this opportunity to speak to you about the Alaska situation.

We wish to respond to the testimony provided by Interior Secretary Donald Hodel and Ross O. Swimmer.

Swimmer says in a voluntary placement that the "best interests of the child" may very well be with the family chosen by the Indian parents. He recommended individual rights of parents be considered.

In our experience, there has been an abuse in the State of Alaska of voluntary placement agreements, and confusion between what constitutes a voluntary placement agreement and what constitutes a stipulation (involuntary agreement). A veiled threat to "sign this agreement or you will not have to go to court" is not uncommon. Most parents do not want to go to court because they are so fearful of the court system that they will do almost anything to avoid it.

Once a Native parent relinquishes, the Tribe must be able to assert it's rights. They no longer have a say due to their own personal choice. Their rights have been terminated. Since they have given up their right to be notified of further proceedings, the Tribe asserts it's rights. The Tribe's right to be notified has not been relinquished.

Regarding the second issue Tribal jurisdiction should be based on it's membership to the tribe, which is based on voluntary enrollment.

The Tlingit and Haida Central Council has a large proportion of it's enrolled members living outside of the consortium area of Southeast Alaska and one-third of our ICWA caseload is from out of state. We have a great interest in protecting the "best interests of Tlingit and Haida children and their families who are outside of Alaska.

Our rights to assert jurisdiction in involuntary child custody proceedings located out of region and out of state must be protected.

The Tlingit and Haida Tribes do not subordinate the "best interests of Native children" to the jurisdiction of the Tribe nor do we advocate open adoptions in every instance. Open adoptions are supported only when biological parents and adoptive family, the Tribe and the court are in agreement that it is appropriate.

Tlingit and Haida Central Council has Tribal members who reside in Canada and many Tlingit and Haida Tribal members travel back and forth between Canada and Alaska for employment, political and social purposes. By virtue of the fact that they are Canadian Tlingits and Haidas, does not mean that we relinquish interest and responsibilities to our Canadian Tribal members. Our relationship to all of our Tribal members is more than just political, it is also cultural.

Tlingit and Haida Central Council is a federally recognized Tribe by the U.S. Government.

Mr. Swimmer and Donald Hodel strongly oppose the expansion of the definition of Indian Tribe and Indian Child yet they recommend that the definition not only include membership requirements but also that the domicile of the birth parent or parents be in Indian country.

Tribes ultimately determine their own enrollment criteria which defines, for their Tribe, who is an Indian child.

Tlingit and Haida Central Council needs to protect the rights of those Native children and their families who are domiciled in urban areas and villages not listed under ANCSA.

The Tribes have tribal members who are domociled in: Petersburg, Wrangell, Ketchikan, Anchorage, Fairbanks, Tenakee Springs, Pelican, Skagway, Seattle, Portland, and anywhere they reside, out of state.

The Tlingit and Haida Central Council feels that the urban and village communities left off the ANCSA rolls should be included in the ICWA Amendments, for ICWA purposes.

The noble arguments stated by Swimmer are completely negated by his concluding remarks which reduces his concern the "best interests of Native children" to dollar and cents, as always.

The ICWA amendments and the law itself are not racist legislation. Native children have a right to their culture, just as tribes should have the right to actively participate in the decisions which affect the integrity of tribes and families.

Since passage of ICWA in 1978, tribes have suffered because of inadequate appropriations of program funds accompanying the passage of the Act. Only five of in excess of 200 Alaska Tribes have ICWA grants and those grants are not large enough to cover all ICWA cases for those tribes. Although ICWA protects tribes' interests in child custody cases, lack of adequate funding hinders our ability to provide the kinds of services we would like to provide to our children and their families.

Implementation of ICWA and the efforts by tribes to monitor state compliance with the minimum requirements are thwarted when we are not allowed to participate in case planning. For example, in a case in which a mother was borderline mentally retarded and considered by the state to adequately care for her child, the state obtained a voluntary relinquishment of that mother's rights to her child. At the relinquishment hearing, however, the state provided expert witness testimony that although she was not competent to care for her child, she was competent to relinquish her parental rights voluntarily.

In another instance, Native parents are not afforded the same treatment services as non-Native parents. A specific example from Southeast is one in which a non-Native parent of Native children was sent to a sixty day treatment program, Reflections in Anchorage, and another Native mother who wanted to attend

Reflections was sent to the twenty-eight day ATS Program at Mount Edgecumbe. The Native woman requested the sixty day treatment before the non-Native woman and was told the funds were not available for this.

State judges, state social workers and attorneys should receive training specific to ICWA and cultural awareness in order to work with families and on Indian Child Welfare cases. The way ICWA works now, or least in Southeastern, in that few judges, social workers and attorneys are knowledgeable about ICWA, or are as knowledgeable as we wish them to be.

Indian Child Welfare Act is not the law of the land in Alaska. In some areas it is strictly adhered to, in others, it is not worth the paper it is written on. State compliance to ICWA in Alaska could be improved through increased funding to the state and to tribes.

Lack of adequate funding has a direct negative impact on providing appropriate services to clients. For example, it is very difficult to persuade the state to provide services to children in state custody and their families and it becomes more so every year. The state continues to remove Native children from their homes and yet is unable to provide appropriate reunification services. The state consistently fails to meet the requirements of making active efforts to reunify families. Native children remain in state custody longer than necessary. In Alaska, the state social workers do not provide direct services to clients in spite of a requirement of a Bachelor's Degree. Counseling and supportive services to clients are contracted out to private providers.

In the ABC report aired in Juneau on August 30, 1988, ("Crimes Against Children"), the program was very critical of states in general, and at one point, showed the Committee on Children as being very critical of the U.S. Department of Health and Human Services.

Lack of monitoring by the Department of Health and Human Services and the Bureau of Indian Affairs of the state's implementation of the law, as well as the uneven implementation of the law, has been problematic.

The Indian Child Welfare Act has had a dramatic impact for Tribes in Alaska in spite of problems, and lack of adequate funding to administer the ICWA Programs, and we see progress due to hard work and commitment by tribes. We strongly recommend the U.S. Government continue this program with expanded funding and that the ICWA Amendments be supported to strengthen this very important law.

Additional funding is absolutely critical to protecting the rights of Native children and their families under the law. And are listed in order of priority:

1. Tribally Operated ICWA Programs
2. Funding for regional Indian Child Welfare Offices within the State of Alaska , Department of Health and Social Services.

3. Funding to develop a statewide ICWA Model Agreement and for the implementation of the agreement.
4. Funding for services necessary to implement ICWA.

Thank you for the opportunity to testify today.

My name is David Charlie and the Elder's name beside me is Mr. Billy Lincoln Sr. and we are from Toksook Bay, Alaska.

Our presentation is on:

OUTSIDERS

Specifically:

HOW DO SOME STATE AGENCIES AFFECT OUR COMMUNITIES?

Department of Social Services, Public Health Services, Yukon Kuskokwim Health Corporation, State Troopers, and Educators all play a role in the lives of our youth, families, and community. Some agencies more than others.

Our concern with Social Services is that they make decisions about youth, thier families, and communities which will affect them for the rest of their lives. In making their decision they don't know or even consider the cultural aspect. This is partly due to their lack of knowledge of our culture and partly due to their unwillingness to learn, accept and respect our cultural values, beliefs, customs, and traditions. Many of these people are insensitive.

In some cases they have taken a youth from their home, out of their village and placed this youth in another home, in another village. By doing this, they have added more emotional stress to the youth already in a stressfull situation. They have taken the security of the extended family away, they taken the youth out of school and have him/her transferred to another school, away from the youth's friends and peers. This youth now is placed in a strange family in another village, into another school with the possible contact of a phone call from a Social Worker, once in a while to see how the youth is doing. How can the healing process, so necessary to their survival begin to take place through separation? This is not logical. What message is Social Services giving our youth? Especially in cases where the youth is allowed no verbal or written contact with a parent(s), no visitation priviledges. Even a criminal has these rights.

In our culture, the family unit is considered our life, strength our survival. When there is a problem the nuclear and extended family join together to support and work with the youth and family members in the healing process. Even the community is involved in some supportive and positive way and especially our elders through traditional counceling, role modeling and their prayers.

Our next concern is with Social Services attitude pertaining to "ESKIMO" adoption. Some Social Workers do not approve of this form of adoption which has been taking place since our beginning. The Social Worker does not like the idea that the natural parent can decide to whom they would like their child to be raised by. The Social Worker do not like having an adoptive parent come to them after any period of time and ask them to make the adoption legal. Isn't this part of the Social Workers job to legalize adoptions? Why is it that they frown upon "Eskimo" adoptions? We as the natural parents of the child, care for that child very much, love that child so much that we have decided that in the best interest of the child it would be better for that child to be adopted to another family. When we give the child to a family, we have considered that adopting family very carefully. To give one of our children to another family is some thing we have considered very seriously and for a long period of time. An adopted child is considered someone very special! This child is loved the same as all the children in the family but in many ways they are spoiled more. All children are considered a gift from God, but an adopted child is considered a very special gift from God and very precious.

Social Service is suppose to provide a service to the people who need help. And yet when a family asks for help they are either scolded for doing what they have or they are told that the "Eskimo" adoption is a private adoption and therefore Social Services can not help them. I find this hard to believe! I personally know that even if the adoption is "Eskimo" adoption that Social Services does handle the legal adoption part. Why do they tell one family yes and another family, no! When a family comes to you for help, financially as in the case for food stamps, a wife was told that in order to collect food stamps her husband would have to move out of the house! We had always thought that the philosophy of Social Services was to keep the family together, and yet when a family needs some financial help, such as food stamps Social Services says that unless the father does not stay in the home, the family will not be eligible for food stamps. Our concern is why would you deliberately seperate a normal, healthy, stable family, but do to circumstances beyond their control are not able to purchase such necessities as milk, for their young children, crackers, cereal, the basic staples that the family needs.
There are more concerns that we have such as counseling services and other so called services that you provide, but to list all our concerns would take a long time. May it surfice to say that at this point in time you provide more of a disservice to a great number of people.

The Yukon Kuskokwim Health Corporation, also known as YKHC comes to our schools to give Sex Education & AIDS talks. Our youth, especially grades 9-12 need to know and understand these topics. As educators ourselves, we have heard these presentations. It is most critical that the WHOLE truth be presented to our youth, not half truths. If these people are responsible for educating our youth in these critical areas to their lives, now and in the future, it is vital that our youth knows the WHOLE truth, so that when a youth is faced with a situation they can make their decision based on truths.

With our younger youths, K-6, we have been told that "they don't know their body parts." Here again this is not true. They do know their body parts, in Yupik! The message here from these people is, they are uneducated. Why is it mandatory that these youngsters know their body parts in English? It seems that the Public Health doctors and nurses are a minority, why don't they learn the body parts in Yupik? Why must our communities constantly conform to western society.

When YKHC came to our village and to the elementary school they didn't come to teach body parts, but also they taught the reproductive system, reproduction, birth and more. Parents and elders in the community were very angry when they found out this was done. Also our local A.S.B. did not approve YKHC to come into our elementary school.

Culturally sex is taught when the girl has her first menstuating period. This education is done either by the mother and/or an elder woman. Boys are educated by their fathers and/or an elder man. Sex is never taught with both males and females together and embarrassment is closely considered in our culture.

Our concern is why don't these people work with the community elders to prepare topics relevant to youth in a culturally appropriate way.

We also ask, "Why doesn't YKHC educate the young adults, middle age and elders?" Their response tends to be our concern is youth and possible language barrier. Our response is that your concern should not be just on group, but all and barriers can be over come, if you are willing and openminded. Possibly our elders can be educated in areas such as AIDS so that our elders who are really the teachers of the community can teach our youngsters, youth, young adults and middle age all the people of the community, with facts and in a culturally appropriate way.

A philosophy of a state worker, who works closely with youth in our area on the subject of sex is:

1st: abstenance----We the community agree on this.

2nd: this state worker believes that sex in long term relationships is ok.----Here we say "What message is our youth receiving?" What teenager or young adult for that matter begins a relationship and expects it to end in 3 days, a week, a month, 6 months, a year or longer. With this in mind, this person is making a value judgement, social judgement, religious judgement, and a cultural judgement for our youth.

3rd: this state worker is telling our youth "contraceptives"---- this is totally against our religion since all Natives in Toksook Bay are Catholics and culturally children are the wealth, life, most important entity to the family, community and our future.

This state worker is teaching our youth without the knowledge of our culture, our religious beliefs, and parental considerations.

STATE TROOPERS:

State Troopers, who are involved with working with our youth and community also need to be aware of our culture. These men come into our village schools and do presentations dealing with the subject "STRANGERS." They tell our youth "don't talk to strangers, don't take candy from strangers, don't take money from strangers etc. and yet there has been incidents where these men in investigating a case have given children candy and popcorn. The trooper has not been in uniform and their line of questioning so ambigious that they can interrput into a child or youths response how they choose. Also, are these people aware that Yupik is the first language and that in many cases there is miscommunication going on? No they don't or what is worse is the thought that if they do, they don't do anything about it or they don't care.

In our culture when we want a child to come to us, especially to tease them we hold out candy, gum, pop, anything to get them to do or say what we want. We call this bribery and we're sure Western Society calls it the same thing.

Again these people are giving contradictory messages to our youth.

We find these people to be insensitive and uncaring. In cases of accidental deaths and this is a recent example A young boy drowned. He was to have his funeral mass and be buried on a specific day and time. The troopers were notified as soon as the body was recovered 1 1/2 days prior to the funeral and burial. An hour and a half before the funeral mass the trooper arrives to "investigate". He talks to witnesses, the father, but what this trooper doesn't consider is the grieving that the family is going through and also the entire community. The trooper's response to the father is " well I've been hearing the same story so I guess it was accidental." I find it hard to understand how a trooper, a man, another human being could be so cold and uncaring to make an uncooth statement as that to the grieving father. The impression of the father of the trooper was not favorable and rightly so. If these are "Alaska's finest" we need to look harder. It truly is a shame that a few insensitive, uncaring, culturally uneducated by their own choice give an entire department a bad name and reputation.

PUBLIC HEALTH SERVICES:

Public Health, doctors and nurses come to our village and not only ours but to all villages in the Yukon Kuskokwim Delta region. While they are here our children are taken out of school to be examined by them, given shots, etc. Our youngsters, and youth have rights even though they are minors. They have the right to their own bodies, but yet their rights are violated over and over. Many young people are frightened by these people. THEY ARE STRANGERS! There have been incidents in which a child has been wrapped in a blanket because they were so scared and upset they were uncontrolable, just so the doctor or nurse could give them the shot and check them off their list. Don't these people realize the emotional and physical trauma they have put this child through? In other cases children have been verbally threathend, for example, "if you don't cooperate you won't go to school." The statement is true, but, who are they to verbally abuse our children. We don't raise our voices to our children and threaten them.

These nurses and doctors do not have the child's permission or even the parents permission. Parents are not even aware that their children are being taken out of school and seen by these people until after it's done and possibly the youth says something. These children are minors and need parental consent and the younger children need their mothers and or fathers to be with them to provide security.

As for Bethel hospital, after living in the Yukon Kuskokwim Delta region for 17 years and having to deal with the employees there on a number of occassions, I must in all fairness say "it depends on who you get and what color your skin is, hair is and eyes are."
If I happen to take one of my children into the hospital either for an appointment or as a walk-in, I don't have to sit 3 or 4 hours or longer. The most I've had to wait is 45 minutes to an hour. If I take one of my children in after hours on what I may think is an emergency there is no mumbling or grumbling. We are seen as soon as the doctor on call gets there. Now on the other hand, I have seen an appendicitis case made to wait, until the appendix ruptured and they had to do emergency surgery. My husband who is Native was medivaced into Bethel for what our local health aide diagnosed as probable appendicitis. When my husband reached Bethel he had to wait his turn and then when he was seen by the doctor, he confirmed appendicitis. He was told to go downtown to his relative's home and wait for the night jet to Anchorage. PHS did not pay his airfare into

Anchorage, nor was he escorted into Anchorage. What if his appendix ruptured on the flight into Anchorage? Thank God it didn't. When he arrived in Anchorage, he had to take a cab to ANHS. There he was rechecked and the doctor on duty, called the surgeon immediately. After his surgery the surgeon told my husband, "it was a nasty one and I got it just in time before it ruptured. If his appendix had ruptured, he would have been very ill and the possibility of death is there.

I have talked with other white parents who have Native children, by their spouse and they are treated the same way.

Why should a person be treated any differently. There is no reason why a Native should be made to wait and a white taken first if it is not an emergency.

Now if a Native should complain or speak out against the treatment he or she receives they are given a hard time. If a white should speak out about the treatment his or her child is receiving its "Yes, Mr or Mrs so and so or No, Mr. or Mrs so in so." God created us all equal, in his image.
It's a well known fact that the doctors who are sent to PHS are just out of med-school. When they have proven that they are able to perform doctor duties, they are moved to Anchorage, Juneau, Fairbanks, into larger cities. The people here are not guinea pigs, they are a human life, they should be treated with dignity and respect.

EDUCATORS:

My last group of people are educators (teachers, principals, etc. Educators affect our youth and community daily. Many times educators are here for the money, some experience to write home about or they couldn't get hired anywhere else. Unfortunately, many educators really don't care what the youth learns or doesn't learn. There are a few teachers who gripe about it, offer a few suggestions and that's the end of it because these suggestions are not brought to the community.

We are graduating youth who are not prepared with the necessary skills to funciton in the village or in the city. These teachers are not aware of students learning styles and becuase they are quiet or don't openly participate in classes the student is considered "dumb, slow, or learning disabled and so on." Many if not all our text books are related to lower 48, white middle class Americans. Teachers relate material to their own experiences, learning styles and their expectations are neither relevant nor attainable. If these people could take the text book material and relate it to experiences, learning styles and techniques to the community, and Yupik culture, in order, that the youth can understand and relate to, our youth would have and education which would allow them to fit into both Western Society and continue in Yupik Society.

Many educators in our villages have lived there for quite a few years, but they have learned very little about the culture. These people tend to go to school, work, and go home and have very little contact with the youth and community after school, weekends, etc.

Again our youth and communities are getting the message. "You (students and community) have to live and abide in Western culture, society and standards in order to survive. You must assimulate. You won't be able to subsist forever. Times are changing."

I agree, times are changing, but I am living proof that I can survive. I was educated by whites, I lived in their society, I speak their language and respect their rules and culture. But my culture, Yupik culture, is just as valid, just as important and respected and it should not and will not be lost or made lower than Western Culture.

I, too, agree times are changing. I have lived in Toksook Bay for 16 1/2 years now. I have seen many changes, some good and some not so good. For the good, I have seen a water and sewage system put in, which when working properly makes life easier and more healthy than the old way of packing water and emptying "honeybuckets." Another good thing is that each community has its own high school so that the young people don't have to leave their families, their communities to receive a high school education. Telephones, which make communication between communites much easier. Television, which when used properly can be an excellent educational tool and also a means of enjoyment.
Those areas of change which I have observed that haven't been so good and affect the youth, families, the communities and Yupik culture, have come from state agencies, from the employees who work within them, through their insensitivity and ignorance. Only when these employees admit and consider another way of life as valid will the agencies who were set up to help people, stop devastating families and the culture of not just Yupiks but of all peoples.

The two cultures need, can, should and must work together for our youth, families and communities to develop into the best person(s) they can be without limitations, reservations or doubts about themselves but most importantly who they are!

WHO?

SOCIAL SERVICES

STATE TROOPERS

PUBLIC HEALTH SERVICES

YUKON KUSKOKWIM HEALTH CORPORATION (YKHC)

EDUCATORS

NON-NATIVES

WHAT?

* come into our village and expect us to accept your opinions, Western Society, culture, practices and standards.

* you assume were are uneducated, the therefore uncivilized.

* your way is the only acceptable way.

* you make decisions which affect us individually, as a family, as a community and as a cultural entity.

HOW TO SOLVE?

+ 6 months of intensive studying with elders, Traditional Council of the community you serve.

+ 6 months working with a culturally certified state/federal employee, for the department you will be working in, along with elders, Traditional Council of the Community you will be working with.

+ 1 year probation with final approval of elders, Traditional Council and agency you will be working for.

+ recertification every 5 years.

+ Educators: when newly hired to the district, when arriving should have a cultural awareness workshop, given by Regional School Board and Elders, and Native Certified teachers.

+ Once arriving at the site, community elders to address specific cultural traditions, customs, values, beliefs, etc. This should be an ongoing process.

-REMEMBER-

YOU NEED TO KNOW THE PEOPLE WHOSE LIVES YOU AFFECT, IN ORDER TO DO AN EFFECTIVE JOB, WHICH WILL CUT DOWN ON THE NUMBER OF MISTAKES YOU MAKE, WHICH EFFECT A PERSON(S) LIVES, FAMILY COMMUNITY AND STATE.

LOOK LISTEN LEARN

but most of all...

RESPECT

ORAL TESTIMONY BY ATMAUTLUAK TRADITIONAL COUNCIL
BEFORE SEN. DANIEL INOUYE
SELECT COMMITTEE ON INDIAN AFFAIRS
SEPT.2, 1988 IN ANCHORAGE ALASKA

THE FUNCTION OF THE TRADITIONAL TRIBAL GOVERNMENTS OF THE YUPIC PEOPLE IS TO ADMINISTER TRIBAL AUTHORITY UNDER POLICIES SET BY THE ELDERS OF THE TRIBE IN ORDER TO REGULATE INDIVIDUAL TRIBAL MEMBERS INTO A CIVILIZED COOPPERATIVE UNIT, THROUGH TRIBAL REGULATIONS, WHICH HAS BEEN IN EXISTANCE SINCE BEFORE WESTERN RECORDED HISTORY.

THE SUCCESS OF OUR CIVILIZED FORM OF CONSENSUS GOVERNMENT CAN BE ATTESTED TO BY THE FACT THAT WE ARE STILL IN CONTINUING FUNCTIONAL EXISTANCE DISPITE THE DISRUPTION OF ATTEMPTED RUSSIAN COLONIZATION AND DISPITE THE MORE EFFICIENT FORM OF PENETRATION OF AMERICAN ADMINISTRATION BY BUREAUCRATIC AGENCIES' WHO MISINTERPRET THE INTENT OF ACTS PROMULGATED BY CONGRESS IN IT'S LEGISLATIVE ATTEMPT TO PROTECT THE INDIVIDUAL HUMAN RIGHTS OF ALASKA NATIVES.

THE PROBLEM, ESPECIALLY IN ALASKA, IS ONE OF ENFORCEMENT OF JURISDICTION BASED ON RECOGNIZED INDIGENOUS TITLE. THIS CONTINUES TO BE THE CAUSE OF DISPUTE BETWEEN STATE AGENCIES AND THE CONSENSUS DERIVED POLICIES UNDER THE ADMINISTRATION OF THE SOVEREIGN TRADITIONAL TRIBAL COUNCILS WHICH ARE RECOGNIZED BY THE FEDERAL GOVERNMENT OF THE UNITED STATES OF AMERICA.

OFTENTIME THESE COUNCIL POLICIES ARE WITHOUT WRITTEN FORMAL DIREC- TIVES AND ARE DIFFICULT TO COMPREHEND BY LESS SOPHISTICATED AGENTS OF THE STATE OR FEDERAL SYSTEMS AND THEREFORE LEAD TO UNWARRENTED INTRUSIONS INTO SOVEREIGN TRIBAL JURISDICTION BY THESE AGENTS.

THE INABILITY OF THE PRESENT STATE SYSTEMS TO COPE WITH SOVEREIGN JURISDICTION, BASED ON ABORIGINAL TITLE, THE DOCTRINE OF PROIOR USE AND OCCUPANCY BUTRESSED ON FUNDEMENTAL HUNTING AND FISHING RIGHTS, IS CREATING AN ENVIORNMENT OF CONFRONTATION THAT COULD RESULT IN HARM IF CERTAIN RULES CONCERNING TREATIES, CONTRACTS AND CIVILIZED ACCOMODATION ARE NOT ENFORCED ON THOSE WHO DO US BOTH HARM.

THE BASIC ISSUE THAT IS CREATING A CONFRONTATION OVER THE ENFORCEMENT OF JURISDICTION BETWEEN THE TRIBAL GOVERNMENTS AND THE "STATE" OF ALASKA, IS VESTED IN THE VIOLATION BY THE STATE OF SECTION 4 OF THE STATEHOOD ACT AND ARTICLE 12 SECTION 12 OF THE CONSTITUION OF THE "STATE" OF ALASKA WHICH IS COMMONLY REFERED TO AS THE "DISCLAIMER CLAUSE" THAT READS AS FOLLOWS:

SECTION 4 OF THE ALASKA STATEHOOD ACT AND ARTICLE 12 SEC 12 OF THE ALASKA STATE CONSTUTION.

DISCLAIMER AND AGREEMENT:
THE STATE OF ALASKA AND ITS PEOPLE FOREVER DISCLAIM ALL RIGHT AND TITLE IN OR TO ANY PROPERTY BELONGING TO THE UNITED STATES, OR SUBJECT TO ITS DISPOSITION, AND NOT GRANTED OR CONFIRMED TO THE STATE OR ITS POLITICAL SUBDIVISIONS, BY OR UNDER THE ACT OF ADMITTING ALASKA TO THE UNION. THE STATE AND ITS PEOPLE FURTHER DISCLAIM ALL RIGHT OR TITLE TO WHICH MAY BE HELD BY OR FOR ANY INDIAN, ESKIMO, OR ALEUT, OR COMMUNITY THEREOF, AS THAT RIGHT OR TITLE IS DEFINED IN THE ACT OF ADMISSION. THE STATE AND ITS PEOPLE AGREE THAT, UNLESS OTHERWISE PROVIDED BY CONGRESS, THE PROPERTY, AS DESCRIBED IN THIS SECTION, SHALL REMAIN SUBJECT TO ABSOLUTE DISPOSITION OF THE UNITED STATES. THEY FURTHER AGREE THAT NO TAXES WILL BE IMPOSED UPON ANY SUCH PROPERTY, UNTIL OTHERWISE PROVIDED BY CONGRESS. THIS TAX EXEPTION SHALL NOT APPLY TO PROPERTY HELD BY INDIVIDUALS IN FEE WITHOUT RESTRICTION ON ALIENATION .

ALSO IN THE DOCUMENTS, WORKING PAPERS AND LEGAL OPINIONS OF THE STATEHOOD COMMISSION, WHICH WAS CREATED BY A REFERENDUM APPROVED BY THE MAJORITY OF THE VOTERS OF THE STATE ON AUG. 26, 1980, THE REASON AND NECCESITY FOR THE INCLUSION OF THE "DISCLAIMER CLAUSE" IN BOTH THE STATEHOOD ACT AND THE CONSTITUTION WAS DONE IN ORDER TO CIRCUMVENT OBJECTIONS TO THE STATEHOOD VOTE IN ALASKA FROM THE WORLD COMMUNITIES UNDER THE AUSPICES OF THE UNITED NATIONS. THERE WAS NO OBJECTION BY THE UNITED NATIONS, AT THAT TIME, BECAUSE THE SOVEREIGN RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVES OF ALASKA WAS NOT INTERFERED WITH BY THE "LEGISLATIVE CREATION"OF THE "STATE" OF ALASKA.

THE PROBLEM WAS FURTHER RECOGNIZED BY THE STATEHOOD COMMISSION IN ONE OF ITS PUBLICATIONS, AUTHORED BY MONROE PRICE, EXPLAINING ALTERNATE FORMS OF GOVERNMENT THAT WOULD BE LESS DISRUPTIVE THEN THE "STATE" IN THE RECOGNITION OF THE SOVEREIGN

GOVERNMENT RELATIONSHIP OF THE TRIBES IN ALASKA AND THE UNITED STATES OF AMERICA UNDER A COMPACT OF FREE ASSOCIATION.

SINCE THE "STATE" OF ALASKA HAS WANDERED INTO THE THICKET OF SOVEREIGN JURISDICTION AND IS BECOMING MORE ENTANGLED EVERY DAY AND IN DESPERATION MAY DAMAGE ITSELF, OR THOSE TRYING TO HELP, AND SINCE THE POLITICAL DAMAGE COULD SOON BECOME IRREPAIRABLE, WE WOULD LIKE TO SUGGEST THAT THE STATE REMOVE ITSELF FROM INTERFERING INTO YPIC SOVEREIGN JURISDICTION UNTIL THE PROBLEM CAN BE RESOLVED BY THE SOVEREIGN PARTIES INVOLVED AND THE FULL MEANING OF TRIBAL CONSENT CAN BE DETERMINED TO THE BENEFIT OF ALL WHO ARE DIRECTLY CONCERNED.

WE WOULD FURTHER LIKE TO SUGGEST TO YOU THAT THESE DETERMINATIONS WILL BE BASED ON, AND COMPATABLE TO, THE DOCTRINE OF HUMAN RIGHTS AND THE INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE AS PASSED BY THE 99TH CONGRESS AND SIGNED BY THE PRESIDENT AND COMMANDER IN CHIEF OF THE UNITED STATES OF AMERICA.

FOR YOUR FURTHER INFORMATION THE ABOVE DOCTRINE AND CONVENTION WAS ADOPTED BY FORMAL WRITTEN RESOLUTION OF THE ATMAUTLUAK,TUNUNAK TOKSOOK BAY, NEWTOK, CHEFORNAK,NIGHTMUTE AND KASIGLUK TRADITIONAL TRIBAL COUNCILS.

ADDED TO OUR STATEMENT WE ARE ATTACHING ATMAUTLUAK TRADITIONAL TRIBAL RESOLUTIONS AND PERTAINENT LETTERS THAT CONCERN RECOGNITION AND SECURITY OF OUR SOVEREIGN JURISDICTION. WE HOPE THAT WE CAN INVOLVE YOU TO ASSIST US IN ATTAINING INTER-BIOREGIONAL RECOGNITION OF OUR HUMAN RIGHTS AND ABORIGINAL TITLE UNDER A COMPACT OF FREE ASSOCIATION.

AS YOU PROBOBLY KNOW, TRADITIONAL TRIBAL RESOLUTIONS HAVE THE SAME LEGAL FORCE AS AN ACT OF CONGRESS ESPECIALLY IF SOVEREIGN JURISDICTION IS DECLARED SIMILAR TO ATMAUTLUAK TRIBAL RESOLUTION 86-05, WHICH WE ALSO ENTER AS PART OF THE RECORD OF THIS HEARING.

IT IS OBVIOUS THAT THE TRADITIONAL COUNCILS ARE SUPERIOR TO THE IRA COUNCILS BECAUSE THE IRA COUNCILS CAN ONLY ASSERT THEIR POWERS UNDER THE ADMINISTRATIVE TRUST CONTROL OF THE SECRETARY OF THE INTERIOR WHO HAS VETO POWER OVER THE IRA COUNCILS AND CONSTITUTES AN ARCHAIC POLICY UNDER "SOVEREIGN DEPENDENT" RATHER THAN FULL SOVEREIGN STATUS RECOGNITION.

ATMAUTLUAK HAS NOW OPENED UP DIRECT COMMUNICATIONS TO THE OFFICE OF THE PRESIDENT, AND IS ATTEMPTING TO HELP THE SPECIAL ASSISTANT TO THE PRESIDENT FOR INTERGOVERNMENTAL AFFAIRS,CHRISTINA L. BACH, FUNCTION IN HER OFFICE,SO THAT WE CAN CIRCUMVENT THE INTERFERENCE BY THE SECRETARY OF THE INTERIOR WHOSE OFFICE IS LIMITED IN DISCHARGING THE UNITED STATES INTERNATIONAL AS WELL AS ITS NATIONAL SUZERAIN TRUST COMMITMENT TO THE TRIBAL GOVERNMENT OF THE SOVEREIGN TRIBAL PEOPLE OF ATMAUTLUAK.

THE RELATIONSHIP THAT NOW EXISTS BETWEEN THE RECOGNIZED SOVERIGN TRIBAL GOVERNMENTS AND THE SOVEREIGN GOVERNMENT OF THE UNITED STATES IS QUITE CONFUSING DUE TO THE DISCHARGE OF AN ADMINSTRATIVE TRUST THROUGH THIRD PARTY AGENTS.

WE BELIEVE WE CAN SIMPLIFY AND IMPROVE OUR RELATIONSHIP BY A CHANGE OF POLICY THAT IMPLEMENTS A SUZERAIN TRUST RELATIONSHIP TO CONFORM AND COMPLY WITH THE "ANTI-GENOCIDE" TREATY THAT WAS RATIFIED BY THE SENATE AND SIGNED BY THE PRESIDENT OF THE UNITED STATES ON FEBRUARY 19, 1986, AS A GUIDELINE.

AFTER NUMEROUS CONFERENCES OVER THE PAST TWO YEARS WITH THE OTHER SOVEREIGN TRIBES OF THE YUPIC BIOREGIONAL AREA WE FIND THAT WE ARE IN COMPLETE AGREEMENT IN EXERSIZING OUR SOVEREIGN POWERS AND WITH THE NECESSITY OF REJECTING ANY AND ALL THIRD PARTY INTERFERENCE BY THE STATE OF ALASKA THAT CONTINUES TO DETERIORATE THE DIRECT SOVEREIGN TO SOVEREIGN GOVERNMENTAL RELATIONSHIP THAT SHOULD EXIST BETWEEN THE UNITED STATES GOVERNMENT AND THE GOVERNMENT OF ATMAUTLUAK AND THE OTHER YUPIC TRIBES.

WE ARE QUITE HAPPY WITH THE POLICY STATEMENT OF PRESIDENT RONALD W. REAGAN AND WITH THE ADMINISTRATIVE FIGHT THAT HE LED IN THE CONGRESSIONAL RATIFICATION OF THE GENOCIDE TREATY ON FEB,19,1986.

AT THIS TIME WE WOULD LIKE TO DRAW YOUR ATTENTION TO THE UNITED STATES ARCTIC RESEARCH PLAN OF JULY 1987 THAT WAS PREPARED BY THE INTERAGENCY RESEARCH POLICY COMMITTEE IN ACCORDANCE WITH SECTION 109 OF PUBLIC LAW 98-273.THE SECTION OF THE REPORT THAT WE ARE MOST INTERESTED IN IS PART IV THAT BEGINS ON PAGE 213 ENTITLED:

PART IV: PEOPLE, A. SUMMARY AND ITRODUCTION 1. RECOMENDATIONS AND NATIONAL NEEDS".

SINCE ATMAUTLUAK,IS NORTH OF THE 60 DEGREE PARALELL AND IS INCLUDED ALONG WITH THE INUPIAQ, ATHABASCAN AND ALEUTS IN THE ARCTIC POLICY AREA,AND SINCE THE ALLOCATION OF THE RESOURCES AND ENFORCEMENT OF OCCUPATION HAS BEEN DONE WITHOUT TRIBAL CONSENT AND IN VIOLATION OF THE RECOGNIZED SOVEREIGN JURISDICTION OF THE YUPIK ELDERS TRIBAL COUNCILS ,WE WOULD LIKE TO REQUEST FROM YOU SECURITY PROTECTION OF OUR SOVEREIGN JURISDICTION AS WE DISENGAGE AND RENEGOTIATE CONTRACTS UNDER DIRECT TREATY AGREEMENTS THAT INSURE THAT THE HUMAN RIGHTS AND THE PROVISIONS OF THE GENOCIDE TREATY BE ENFORCED. WE CAN THEN START REPAIRING THE GENOCIDAL DAMAGE THAT HAS BEEN DONE TO THE YUPIK PEOPLE AS INDICATED BY "THE ARCTIC RESEARCH PLAN" AND FURTHER VERIFIED BY THE DOCUMENTATION OF THE STATE OF ALASKA REPORT ENTITILED "BASIC SKILLS PERFORMANCE OF ALASKA'S STUDENTS" AND THE ANCHORAGE DAILY NEWS DOCUMENTARY ENTITLED"A PEOPLE IN PERIL"WHICH WE INTO THE RECORD OFTHIS COMMITTEE.

WE WOULD LIKE YOU TO CONSIDER THIS AS A FORMAL REQUEST BY THE SOVEREIGN ELDERS COUNCIL OF ATMAUTLUAK TO ENTER INTO DIRECT TREATY NEGTIATIONS,INVOLVING CONGRESS. SO THAT WE MAY MUTUALLY CONTROL THIRD PARTY BROKER/AGENTS THAT INTERFERE WITH OUR SOVEREIGN RELATIONSHIPS AND OPERATE TO THE GENOCIDAL DETRIMENT OF THE YUPIK PEOPLE AND THE PEOPLE OF THE UNITED STATES.(THIS REQUEST IS DUE TO THE UNIQUE DUAL CITIZENSHIP STATUS AND THE RELATIONSHIPS OF THE INDIGENOUS PEOPLE WITH THE GOVERNMENT OF THE UNITED STATES.)

THE EFFECT OF THE "ANTI-GENOCIDE" TREATY ON FUTURE RELATIONSHIPS IS RECOGNIZED BY THE ELDERS COUNCIL OF ATMAUTLUAK AND IS REFLECTED IN OUR TRIBAL RESOLUTIONS OF 1986,1987 AND 1988 WHICH ARE ENCLOSED. THEY SET THE PERAMETERS FOR MUTUAL SECURITY AND COMMERCIAL TRADE RELATIONS UNDER THE PROVISIONS OF A COMPACT OF FREE ASSOCIATION THAT RECOGNIZES NATURAL BIOREGIONAL BOUNDARIES AND INDIGENOUS TITLES BASED ON PRIOR USE AND OCCUPANCY.

IT WILL BE EVIDENT AFTER REVIEWING OUR RESOLUTIONS THAT WE REJECT IN IT'S ENTIRETY PL 92-203 (85 STAT 688) COMMONLY KNOWN AS ANCSA. WE BELIEVE THAT ANCSA IS NOTHING MORE THAN ATTEMPTS BY THIRD PARTIES TO QUIET THE TITLE OF THE QUIT CLAIM DEEDS OF GOVERNMENTAL, CORPORATE AND "PRIVATE" ENTITIES THAT HAVE SEVERED LAND AND WATER RESOURCES FROM THE SOVEREIGN TRIBAL ACCOUNTS,AND WITHOUT TRIBAL CONSENT. THIS REJECTION ALSO INCLUDES "NATIVE" ALLOTMENTS GRANTED INDIVIDUAL TRIBAL MEMBERS AS A "REWARD" FOR TRIBAL TERMINAION.

WE WOULD LIKE TO CLOSE THIS ORAL PRESENTATION BY EXTENDING TO YOU AND YOUR COMMITTEE MEMBERS OUR SINCERE HOPE THAT WE CAN FOLLOW THROUGH ON OUR MUTUAL COMMITMENTS ON HUMAN RIGHTS THROUGH THE GENOCIDE TREATY AND THEREBY TURN BACK FUTURE HOLOCAUSTS THAT RESULT FROM TYRANNY OF BOTH MINORITIES AND MAJORITIES.

WE HEREBY SUBMIT THESE WRITTEN DOCUMENTS AS PART OF THE OFFICIAL RECORD AND AWAIT ANY QUESTIONS YOU MAY HAVE.

KASIGLUK ELDERS CONFERENCE
RESOLUTION 88-01
APRIL 13,14.AND 15,1988

WHEREAS, AN INTERNATIONAL ORGANIZATION OF INUIT, KNOWN AS THE INUIT CIRCUMPOLAR CONFERENCE DEDICATED TO PROTECT AND ADVANCE INUIT RIGHTS AND INTERESTS ON THE INTERNATIONAL LEVEL, HAS BEEN CREATED BY A RESOLUTION UNANIMOUSLY ADOPTED ON JUNE 15,1977, IN BARROW, ALASKA AND,

WHEREAS, THE INUIT CIRCUMPOLAR CONFERENCE (ICC) IS THE INTERNATIONAL ORGANIZATION REPRESENTING ALL INUIT FROM ALASKA.GREENLAND AND CANADA,THE ICC CONTINUES TO ENCOURAGE THE ACTIVE PARTICIPATION OF THE SIBERIAN INUIT WITHIN THE ICC,

WHEREAS, INUIT MEANS INDIGENOUS MEMBERS OF THE INUIT HOMELAND,RECOGNIZED BYINUIT AS BEING MEMBERS OF THEIR PEOPLE,AND INCLUDES SUCH REGIONAL GROUPS AS INUPIAT, YUPIC(ALASKA/ RUSSIAN) INUIT, INUVIALUIT(CANADA) AND KALAALLIT,(GREENLAND) AND,

WHEREAS, THE ICC HAS ESTABLISHED AN INTERNATIONAL ELDERS CONFERENCE WHICH IS HELD CONCURRENTLY WITH THE ICC GENERAL ASSEMBLIES IN WHICH THE ELDERS DISCUSS AND REVIEW ALL OF ICC'S RESOLUTIONS AND HAVE DIRECT INPUT INTO THE ICC DECISSION MAKING PROCESS.

WHEREAS, ON APRIL 13, 1988, AT KASIGLUK ELDERS CONFERENCE (KASIGLUMI CUILIRNERET QUYURTELLRAT) REPORTED AND DEBATED UNASHAMEDLY REFLECTING THE INUIT VIEWS THAT THE RIGHT OF SELF-GOVERNMENT IS A BASIC POLITICAL RIGHT, THAT GOVERNMENT IS LEGITIMATE ONLY WHEN GROUNDED ON THE CONSENT OF THE GOVERNED, AND THAT GOVERNMENT THUS GROUNDED SHOULD NOT BE USED TO DENY LIFE, LIBERTY OR THE PURSUIT OF HAPPINESS. THAT INDIVIDUALS IN A SOCIETY HAVE THE INALIENABLE RIGHT TO BE FREE FROM GOVERNMENTAL VIOLATIONS OF THE INTEGRITY OF THE PERSON, TO ENJOY CIVIL LIBERTIES SUCH AS FREEDOM OF EXPRESSION, ASSEMBLY, RELIGION AND MOVEMENT, WITHOUT DISCRIMINATION BASED ON RACE, ANCESTRY, OR SEX AND TO CHANGE THEIR GOVERNMENT BY PEACEFUL MEANS.

WHEREAS, KASIGLUK ELDERS CONFERENCE FIND THAT THE CONCEPT OF ECONOMIC,SOCIAL AND CULTURAL RIGHTS OF THE INUIT IS OFTEN CONFUSED, SOMETIMES WILLFULLY BY REPRESSIVE GOVERNMENT OF THE UNITED STATES OF AMERICA AND RUSSIA CLAIMING THAT IN ORDER TO PROMOTE THESE RIGHTS, THEY MAY DENY THE INUIT THE RIGHT TO INTEGRITY OF THE PERSON AS WELL AS POLITICAL,CIVIL AND FIFTH AMENDMENTS OF THE INUIT IN ORDER TO PROMOTE THE EXPLOITATION OF OIL, GAS, AND OTHER MINERAL AND NATURAL RESOURCES IN THE HOMELAND OF THE INUIT.

WHEREAS, SINCE TIME IMMEMORIAL THE KASIGLUK ELDERS CONFERENCE WISHES TO DISSENT THE NOTION THAT INUIT TRIBES LOST THEIR SOVEREIGNTY THROUGH;

(1)DISCOVERY (2)CONQUEST
(3)CESSION (4)TREATIES
(5)STATUTES (6)COURT ORDER,
(7) TERRA NULLIIUS;AND

WHEREAS, KASIGLUK ELDERS CONFERENCE REFLECT THE INUIT VIEW UNASHAMEDLY THAT THERE EXIST A PROFOUND CONNECTION BETWEEN HUMAN RIGHTS AND ECONOMIC DEVELOPMENT;AND

WHEREAS, KASIGLUK ELDERS CONFERENCE REPORTED AND DEBATED UNASHAMEDLY REFLECTING THE UNITED STATES VIEW THAT THE ACT OF MARCH 3, 1875 CH 131 SECTION 15-16, 18 STAT 402, 420 (REPEALED 1976) (FORMERLY CODIFIED AT 43 U.S.C. 189 (1976) (STILL VALID FOR PRE-REPEAL PATENTS) ENTITLED INDIANS WHO ABANDONED THEIR TRIBAL RELATIONS TO CLAIM PUBLIC DOMAIN HOMESTEADS UNDER THE GENERAL HOMESTEAD LAWS, SUCH LANDS WERE TO BE RESTRICTED FOR FIVE YEARS. THE ABANDONMENT REQUIREMENT COULD STILL RAISE QUESTIONS ABOUT THE STATUS OF THESE LANDS, BUT IT IS PROBABLE THAT NO SUCH PARCELS REMAIN IN RESTRICTED STATUS TODAY. MORE SIGNIFICANT WAS THE ACT OF JULY 4, 1884, CH 180 SECTION 1, 23 STAT 76 (REPEALED 1976) (FORMERLY CODIFIED AT 43 USC SECTION 190 (1976) (STILL VALID FOR PRE-REPEAL PATENTS) WHICH ENTITLES ANY INDIAN TO UTILIZE THE HOMESTEAD LAWS TO OBTAIN LAND, AND REQUIRED THAT PATENTS SO OBTAINED BE PLACED IN A 25 YEAR RESTRICTED STATUS ALMOST IDENTICAL TO THAT OF THE GENERAL ALLOTMENT ACT. 25 U.S.C. 348. CF.25 U.S.C. 335 (EXTENDING PROVISIONS OF THE FEDERAL ALLOTMENT LAWS TO LANDS PURCHASED UNDER AUTHORITY OF CONGRESS FOR INDIVIDUAL INDIANS.) THIS STATUTE APPLIED TO THE GENERAL HOMESTEAD LAWS AND TO NUMEROUS SPECIAL LAWS. AFTER ALL INDIANS WERE MADE CITIZENS IN 1924, SEE CH 12 SEC. A. INFRA, AN INDIAN HOMESTEADER COULD PRESUMABLY OBTAIN EITHER A FEE HOMESTEAD AS A UNITED STATES CITIZEN OR A TRUST HOMESTEAD UNDER THE 1884 STATUTE BECAUSE OF INDIAN STATUS. HOWEVER, THE NATURE OF THE FEDERAL TRUST RELATIONSHIP SUGGESTS THAT THE 1884 ACT PRESUMPTIVELY APPLIED TO

TRIBAL INDIANS SEEKING HOMESTEADS UNLESS A CLEAR INTENT TO REQUEST A FEE PATENT BE SHOWN.SEE LEWIS V. KLEPPE NO. 76-223M (D.N.M. JULY 21,1977)SEE ALSO 25. U.S.C. 412 (A) (PROVIDING FOR TRUST STATUS FOR HOMESTEADS PURCHASED WITH RESTRICTED FUNDS.);AND

WHEREAS, THE KASIGLUK ELDERS CONFERENCE FULLY AGREES WITH THE SECRETARY OF INTERIOR DONALD PAUL HODEL IN HIS LETTER TO JAMES C. MILLER,III, CONCERNING H.R. 278 THE "ALASKAN NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS OF 1987." WHICH STATED;

"I MOST STRONGLY URGE THE PRESIDENT TO VETO THIS MEASURE.IT IS A VERY BAD BILL.THE FLAWS OF H.R. 278 ARE SO NUMEROUS AND FARREACHING THAT CAREFUL SCRUTINY OF ITS COMPLEX PROVISIONS IS REQUIRED. THIS MEMORANDUM, WHILE LENGTHY, DEALS ONLY WITH THE MOST SERIOUS OF OUR OBJECTIONS, ANY ONE OF WHICH WOULD WARRANT VETO AND ALL OF WHICH, TAKEN TOGETHER, COMPEL THE CONCLUSION, IN MY OPINION, THAT VETO IS A NECESSITY IF THE FUNDAMENTAL PRINCIPLES OF THIS ADMINISTRATION ARE TO BE PRESERVED.";AND

WHEREAS; UNDER THE SUMMARY OF HIS REASONS THE SECRETARY OF INTERIOR FURTHER STATES:

"UNDER THE "JUST COMPENSATION" CLAUSE OF THE FIFTH AMENDMENT TO THE CONSTITUTION,THE BILL WOULD EFFECT A COMPENSABLE "TAKING" OF PROPERTY RIGHTS BECAUSE OF ITS MULTIPLE DEPRIVATION OF THE RIGHTS OF INDIVIDUAL SHAREHOLDERS OF ALASKA NATIVE CORPORATIONS. THE FINANCIAL LIABILITY OF THE FEDERAL GOVERNMENT COULD BE ENORMOUS. ON THE OTHER HAND,IF THE BILL'S ATTEMPT TO FORBID SUCH FEDERAL LIABILITY IS EFFICACIOUS, THE CRITICLE PROVISIONS OF H.R. 278 WOULD BE CONSTITUTIONALLY IMPERMISSABLE BECAUSE THEY WOULD EFFECT A "TAKING" WITHOUT JUST COMPENSATION.";AND

WHEREAS, MR. PRESIDENT, THE NET RESULT OF THE FEDERAL LAND PLAN MANAGEMENT AND POLICY ACT OF 1976 AND THE ALASKA LAND CLAIMS SETTLEMENT ACT AMENDMENTS OF 1987 IS DICTUM AND IS IN DIRECT VIOLATION OF WHAT THE SUPREME COURT STATED IN " THE KANSAS INDIANS " CASE "THAT A TRIBE ITSELF CAN END ITS LEGAL EXISTANCE BY A VOLUNTARY ABANDONMENT OF ITS TRIBAL ORGANIZATION"(72 U.S.(5 WALL) 737,757 (1867),HAS EXPOSED YOUR OFFICE TO THE INTERNATIONAL INSTRUMENT OF THE CONVENTION ON THE PREVENTION AND THE PUNISHMENT OF THE CRIME OF GENOCIDE;AND

WHEREAS, YOUR STAFF HAS BEEN MISINFORMED OF YOUR POLICY,MR PRESIDENT,IN WHICH YOU STATED: "WHEN EUROPEAN COLONIAL POWERS BEGAN TO EXPLORE AND COLONIZE THIS LAND,THEY ENTERED INTO TREATIES WITH INDIAN TRIBES ON A GOVERNMENT TO GOVERNMENT BASED THROUGHOUT OUR HISTORY, DESPITE PERIODS OF CONFLICTS AND SHIFTING NATIONAL POLICIES IN INDIAN AFFAIRS,THE GOVERNMENT TO GOVERNMENT RELATIONSHIPS BETWEEN THE UNITED STATES AND THE INDIAN TRIBES HAS ENDURED.THE CONSTITUTION, TREATIES, LAWS AND DECISIONS HAVE CONSISTENTLY RECOGNIZED A UNIQUE POLITICAL RELATIONSHIP BETWEEN INDIAN TRIBES AND UNITED STATES WHICH THIS ADMINISTRATION PLEDGES TO UPHOLD.";AND

WHEREAS; THE UNITED STATES IN ACCORDANCE WITH THE TRUSTEESHIP AGREEMENT, THE UNITED NATIONS CHARTER AND THE OBJECTIVES OF THE INTERNATIONAL TRUSTEESHIP SYSTEM,HAS PROMOTED THE DEVELOPMENT OF THE PEOPLES OF THE TRUST TERRITORY TOWARD SELF-GOVERNMENT OR INDEPENDENCE AS APPROPRIATE TO THE PARTICULAR CIRCUMSTANCES OF THE TRUST TERRITORY AND ITS PEOPLES AND THE FREELY EXPRESSED WISHES OF THE PEOPLE CONCERNED;AND

WHEREAS; THE KASIGLUK ELDERS CONFERENCE SEEK OF THE PRESIDENT OF UNITED STATES OF AMERICA RONALD W. REAGAN, THE SECRETARY OF THE INTERIOR, DONALD PAUL HODEL AND IN CONSULTATION WITH SECRETARY OF STATE GEORGE SCHULTZ, TO INTRODUCE AND IMPLEMENT 48 U.S.C. 1681;AND

BE IT FINALLY RESOLVED THAT PRESIDENT RONALD W. REAGAN SUBMIT TO THE CONGRESS A COMPACT OF FREE ASSOCIATION FOR THE ARCTIC TERRITORY AND THAT THE KASIGLUK ELDERS CONFERENCE HOST THE CONFERENCE SET FORTH UNDER SEC. 303 OF PUBLIC LAW 99-239-JANUARY 14, 1986.COMPACT OF FREE ASSOCIATION ACT OF 1985.

THE FOLLOWING PREAMBLE AND ARTCLES WILL BE THE INITIAL AGENDA OF THE CONFERENCE. PURSUANT TO TITLE II OF PUBLIC LAW 99-239 JAN 14, 1986, 99 STAT.1772

COMPACT OF FREE ASSOCIATION

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA;THE GOVERNMENT OF CANADA;THE GOVRERNMENT OF DENMARK;THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS;THE GONERNMENT OF JAPAN; AND THE GOVERNMENT OF THE ARCTIC TERRITORY:

AFFIRMING THAT THEIR GOVERNMENTS ARE FOUNDED UPON RESPECT FOR THE HUMAN RIGHTS AND FUNDEMENTAL FREEDOMS FOR ALL, AND THAT THE INUIT OF THE ARCTIC TERRITORY HAVE THE RIGHT TO EMPLOY SELF GOVERNMENT, AND

AFFIRMING THE COMMON INTEREST OF THE UNITED STATES OF AMERICA. CANADA, DENMARK, UNION OF SOVIET SOCIALIST REPUBLICS, JAPAN AND THE INUIT OF THE ARCTIC TERRITORY IN CREATING CLOSE AND MUTUALLY BENEFICIAL RELATIONSHIPS THROUGH FREE AND VOLUNTARY ASSOCIATION OF THEIR RESPECTIVE GOVERNMENTS, AND

AFFIRMING THE INTEREST OF THE GOVERNMENTS UNITED STATES, CANADA, DENMARK UNION OF SOVIET SOCIALIST REPUBLICS AND JAPAN IN PROMOTING THE ECONOMIC ADVANCEMENT AND SELF-SUFFICIENCY OF THE INUIT OF THE ARCTIC TERRITORY, AND

RECOGNIZING THAT THEIR PREVIOUS RELATIONSHIPS HAS BEEN BASED ON THE INTERNATIONAL TRUSTEESHIP SYSTEM OF THE UNITED NATIONS CHARTER, AND IN PARTICULAR ARCTICLE 76 OF THAT CHARTER, AND THAT PURSUANT TO ARTICLE 76, THE INUIT OF THE ARCTIC TERRITORY HAVE PROGRESSIVELY DEVELOPED THEIR INSTITUTIONS OF SELF GOVERNMENT; AND THAT IN THE EXCERCISE OF THEIR SOVEREIGNTY AND SELF DETERMINATION THEY HAVE, THROUGH THEIR FREELY EXPRESSED WISHES, ADOPTED A CHARTER APPROPRIATE TO THEIR PARTICULAR CIRCUMSTANCES, AND

RECOGNIZING THEIR COMMON DESIRE TO TERMINATE THE TRUSTEESHIP AND ESTABLISH A NEW GOVERNMENT TO GOVERNMENT RELATIONSHIP EACH OF WHICH IS IN ACCORDANCE WITH A NEW POLITICAL STATUS BASED ON THE FREELY EXPRESSED WISHES AS INUIT OF THE ARCTIC TERRITORY , AND

RECOGNIZING THAT THE INUIT OF THE ARCTIC TERRITORY HAVE THEIR SOVEREIGNTY AND THEIR SOVEREIGN RIGHT TO SELF DETERMINATION, AND THE INHERENT RIGHT TO ADOPT AND AMEND THEIR CHARTER, AND THAT THE APPROVAL AND ENTRY OF THEIR RESPECTIVE GOVERNMENTS INTO THIS COMPACT OF FREE ASSOCIATION BY THE INUIT OF THE ARCTIC TERRITORY CONSTITUTES AN EXCERCISE OF THEIR SOVEREIGN RIGHT TO SELF-DETERMINATION,

NOW THEREFORE, AGREE TO ENTER INTO A RELATIONSHIP OF FREE ASSOCIATION WHICH PROVIDES A FULL MEASURE OF SELF GOVERNMENT FOR THE INUIT OF THE ARCTIC TERRITORY, AND FURTHER AGREE THAT THE RELATIONSHIP OF FREE ASSOCIATION DERIVES AND IS SET FORTH IN THIS COMPACT, AND THAT DURING SUCH RELATIONSHIP OF FREE ASSOCIATION THE RESPECTIVE RIGHTS AND RESPONSIBILITIES OF THE GOVERNMENTS OF THE UNITED STATES , CANADA, DENMARK, UNION OF SOVIET SOCIALIST REPUBLICS. JAPAN AND THE GOVERNMENTS OF FREE ASSOCIATION OF THE ARCTIC TERRITORY ARE MAINTAINED.

DONE AT NEW YORK CITY, NEW YORK, UNITED STATES OF AMERICA, THE 12TH DAY OF OCTOBER ,1992 FOR THE GOVERNMENT OF THE UNITED STATES.

DONE AT OTTAWA, CANADA, THE 12TH DAY OF OCTOBER , 1992 , FOR THE GOVERNMENT OF CANADA.

DONE AT COPENHAGEN, DENMARK ,THE 12TH DAY OF OCTOBER, 1992 -, FOR THE GOVERMENT OF DENMARK.

DONE AT MOSCOW, UNION OF SOCIALIST SOVIET REPUBLICS, THE 12TH DAY OF OCTOBER, 1992, FOR THE UNION OF SOCIALIST SOVIET REPUBLIC.

DONE AT TOKYO, JAPAN, THE 12TH DAY OF OCTOBER, 1992, FOR THE GOVERNMENT OF JAPAN.

DONE AT BARROW, ARCTIC, THE 12TH DAY OF OCTOBER, 1992, FOR THE INUPIAQ OF THE ARCTIC.

DONE AT KASIGLUK AND PROVIDENIA, ARCTIC, THE 12TH DAY OF OCTOBER, 1992 FOR THE YUPIC OF THE ARCTIC.

DONE AT NUUK, ARCTIC, THE 12TH DAY OF OCTOBER, 1992 FOR THE KALAALLIT OF THE ARCTIC.

DONE AT KUUJJUAQ, ARCTIC, THE 12TH DAY OF OCTOBER, 1992, FOR THE INUIT OF THE ARCTIC.

TITLE II-COMPACT OF FREE ASSOCIATION PERSUANT TO 99 STAT.1772PUBLIC LAW 99-239-JAN.14, 1986 SEC. 201. COMPACT OF FREE ASSOCIATION.

TITLE ONE-GOVERNMENTAL RELATIONS

ARTICLE I-SELF-GOVERNMENT.
ARTICLE II-FOREIGN AFFAIRS.
ARTICLE III-COMMUNICATIONS.
ARTICLE IV-IMMIGRATION.
ARTICLE V-REPRESENTATION.
ARTICLE VI-ENVIRONMENTAL PROTECTION.
ARTICLE VII-GENERAL LEGAL PROVISIONS.

TITLE TWO-ECONOMIC RELATIONS

ARTICLE I-GRANT ASSISTANCE.
ARTICLE II-PROGRAM ASSISTANCE.
ARTICLE III-ADMINISTRATIVE PROVISIONS.
ARTICLE IV-TRADE,
ARTICLE V-FINANCE AND TAXATION.

TITLE THREE- SECURITY AND DEFENSE RELATIONS

ARTICLE I-AUTHORITY AND RESPONSIBILITY.
ARTICLE II-DEFENSE FACILITIES AND OPERATING RIGHTS.
ARTICLE III-DEFENSE TREATIES AND INTERNATIONAL SECURITY AGREEMENTS.
ARTICLE IV-SERVICE IN ARMED FORCES OF THE UNITED STATES
ARTICLE V-GENERAL PROVISIONS'

TITLE FOUR-GENERAL PROVISIONS

ARTICLE I-APPROVAL AND EFFECTIVE DATE.
ARTICLE II-CONFERENCE AND DISPUTE RESOLUTION
ARTICLE III-AMENDMENT.
ARTICLE IV-TERMINATION.
ARTICLE V-SURVIVABILITY.
ARTICLE VI-DEFINITION OF TERMS
ARTICLE VII-CONCLUDING PROVISIONS.

SECTION 202 JURISDICTION.

Resolution 86 — 05

WHEREAS: The Traditional Tribal Government of Atmautluak is recognized by the Government of the United States as a Tribal Government pursuant to 26 USC 7871 et seq, and

WHEREAS: The Bioregional linquistic area and all its resources is necessary for the physical health and mental well being of the Yupik People of Atmautluak, and

WHEREAS: The Sovereign people of Tribal Government of Atmautluak can no longer tolerate third party interference into its jurisdiction by the disclaimer State of Alaska, and or agents of that state in the form of limited liability corporations or municipal or Borough Governments

Therefore, be it resolved that the Yupiit boundries as defined through Traditional Ancestoral markers and the jurisdictional boundries of the U.S. Geological Survey marker to include but not limited to all lands, waters and resources defined as follows:

Land and Water Jurisdictional Boundry

The point of beginning is NORTHEAST corner of T22S, RIOW, Kateel River Meridian, Alaska, Hence travelling South to SOUTHEAST corner of T22S, R1OW, Hence travelling West to NORTHWEST corner of T23S, R1OW, Hence traveling Sorth to SOUTHEAST corner of T24S, R11W, Hence travelling East to NORTHEAST corner of T25S, R11W, Hence travelling South to SOUTHEAST corner of T25S, R11W, Hence travelling West to SOUTHWEST corner of T25S, R11W, Hence travelling South to SOUTHEAST corner of T28S, R12W, Hence travelling West to NORTHEAST corner of T33N, R64W, Seward Meridian, Alaska, Hence travelling South to SOUTHEAST corner of T33N, R64W, Hence travelling West to NORTHWEST corner of T32N,, R64W, Hence travelling South to SOUTHEAST corner of T29N, R64W, Hence travelling West to NORTHEAST corner of T28N, R64W, Hecne travelling South to SOUTHEAST corner of T25N, R64W, Hence travelling East to NORTHEAST corner of T24N, R61W, Hence travelling South to SOUTHWEST corner of T23N, R60W, Hence travelling East to NORHTEAST corner of T22N, R59W, Hence travelling South to SOUTHWEST corner of T22N, R58W, Hence travelling East to SOUTHEAST corner of T22N, R54W, Hence travelling North to NORTHEAST corner of T22N, R54W, Hence travelling East to SOUTHEAST corner of T23W, R51W, Hence travelling North to SOUTHEAST corner of T24N, R51W, Hence travelling East to SOUTHEAST corner of T24N, R42W, Hence travelling South to SOUTHEAST corner of T23N, R42W, Hence travelling East to NORTHEAST corner of T22N, R25W, Hence travilling South to SOUTHEAST corner of T21N, R25W, Hence travelling West to NORTHWEST corner of T20N, R27N. Hence travelling South to SOUTHEAST corner of T17N, R27W, Hence travelling West to NORTHEAST corner of T16N, R28W, Hence travelling South to SOUTHEAST corner of T14N, R28W, Hence travelling West to NORTHWEST corner of T13N, R29, Hence travelling South to SOUTHEAST corner of T13N, R29W, Hence travelling East to NORTHEAST corner of T12N, R29W, Hence travelling South to SOUTHEAST corner of T11N, R29W, Hence travelling West to NORTHEAST corner of T10N, R30W, Hence travelling South to SOUTHEAST corner of T9N, R30W, Hence travelling West to NORTHEAST corner of T8N, R31W, Hence traveling South to SOUTHEAST corner of T8N, R31W, Hence traveling West to NORTHEAST corner of T7N, R35W, Hence travelling South to SOUTHEAST corner of T5N, R35W, Hence travelling West to NORTHEAST corcer of T4N, R36W, Hence travelling South to NORTHEAST corner of T1N, LR36W, Hence travelling East to NORTHEAST corner of T1N, R30W, Hence travelling South to SOUTHEAST corner of T1N, R30W, Hence travelling East to NORTHEAST corner of T1S, R30W, Hence travelling South to SOUTHEAST corner of T1S, R30W, Hence travelling East to NORTHEAST corner of T2S, R26W, Hence travelling South to SOUTHEAST corner of T4S, R26W, Hence travelling West to NORTHEAST corner of T5S, R27W, Hence travelling South to SOUTHEAST corner of T6S, R27W, Hence travelling West to NORTHEAST CORNER OF T7S, R30W, Hence travelling South to SOUTHEAST corner of T8S, R30W, Hence travelling West to NORTHEAST corner of T9S, R31W, Hence travelling South to SOUTHEAST corner of T12S, R31W, Hence travelling East to NORTHEAST corner of T13S, R31W, Hence travelling Souirto SOUTHEAST corner of T14S, R30W, Hence travelling East to NORTHEAST corner of T15S, R25W, Hence travelling SOUTHWEST meandering said coast of Shelikof Straight to SOUTHWEST corner of T30S, R41W, Hence travelling North to NORTHEAST corner of T29S, R42W, Hence travelling West to SOUTHEAST corner of T28S, R42W, Hence travelling North to T27S, R42W, Hence travelling West to NORTHWEST corner of T27S, R44W, Hence travelling South to SOUTHEAST corner of T28S, R45W, Hence travelling West to NORTHWEST corner of T29S, R46W, Hence travelling South to SOUTHWEST corner of T29S, R46W, Hence travelling East to SOUTHEAST corner of T29S, R46W, Hence travelling South to SOUTHEAST corner olf T30S, R46W, Hence travelling West to NORTHEAST corner of T31S, R48W, Hence travelling South to SOUTHEAST corner of T32S, R48W, Hence travelling West to NORHTEAST corner of T33S, R49W, Hence travelling South to SOUTHEAST corner of T33S, R49W, Hence Travelling West to NORTHEAST corner of T34S, R51W, Hence travelling South to SOUTHEAST corner of T38S, R51W, Hence travelling West to SOUTHWEST corner of T36S, R51W, Hence travelling North to NORTHWEST corner of T38S, R51W, Hence travelling West to NORTHEAST corner of T36S,

R53W, hence travelling South to SOUTHWEST corner of T36S, R53W, Hence travelling West to NORTHEAST corner of T37S, R55W, Hence travelling South to SOUTHEAST corner of T40S, R55W, Hence travelling West to NORTHEAST corner of T41S, R56W, Hence travelling South to SOUTHEAST corner of T51S, R56W, Hence travelling West to SOUTHWEST corner of T51S, R68W, Hence travelling North to NORTHEAST corner of T49S, R69W, Hence travelling East to SOUTHEAST corner T48S, R68W, Hence travelling North to NORTHEAST corner of T45S, R68W, Hence travelling West to SOUTHEAST corner of T44S, R68W, Hence travelling North to NORTHWEST corner of T42S, R69W, Hence travelling NORTHWEST to the point where 162° longitude and 58° latitude meets, Hence travelling West to 176° longitude and 58° latitude, Hence travelling North to 62.50 latitude, 176° longitude, Hence travelling NORTHEAST to 175.5° longitude, 63.13° latitude, Hence travelling SOUTHEAST to 170° longitude, 62° latitude, Hence travelling NORTHEAST to 166° longitude, 64° latitude, Hence travelling East to 162° longitude, 64° latitude, hence travelling SOUTHEAST to NORTHWEST corner of T22S, R12W, Kateel River Meridian, Hence travelling East to NORTHEAST corner of T22N, R10S, the point of Beginning.

Be it further resolved that the above definition also include all resources land and sea within the jurisdictional confines as designated in the Arctic Policy Act.

Be it further resolved, that the Tribal Government of Atmautluak as agent for the Sovereign Tribal Members of Atmautluak assert its Suzerain Trust responsibilities throughout the bioregional Tribal linguistic and kinship related area as defined above, and hereby include protection for the Traditional Council against Limited Liability third parties in the form of State Governments or their licensed agents.

Be it finally resolved that the President of the United States acting through his office excercise the Suzerain Trust relationship of the United States of America to the Traditional Tribal Government of Atmautluak in securing the integrity of the bioregional sovereignty of the Tribal Members of Atmautluak that has been reinforced by the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide by the Congress of the United States and signed by the President and Commander In Chief of the United States of America.

Traditional Council Elders Council

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK TRADITIONAL ELDERS TRIBAL COUNCIL
RESOLUTION #86-05

WHEREAS; THE TRADITIONAL TRIBAL GOVERNMENT OF ATMAUTLUAK IS RECOGNIZED BY THE GOVERNMENT OF THE UNITED STATES AS A TRIBAL GOVERNMENT PURSUANT TO 26 USC 7871 ET SEQ., AND

WHEREAS; THE BIOREGIONAL LINGUISTIC AREA AND ALL ITS RESOURCES ARE NECESSARY FOR THE PHYSICAL HEALTH AND WELLBEING OF THE YUPIC PEOPLE OF ATMAUTLUAK, AND

WHEREAS; THE SOVEREIGN PEOPLE OF THE TRIBAL GOVERNMENT OF ATMAUTLUAK CAN NO LONGER TOLERATE THIRD PARTY INTERFERENCE INTO ITS JUISDICTION BY THE DISCLAIMER STATE OF ALASKA AND/OR AGENTS OF THAT STATE IN THE FORM OF LIMITED LIABILITY CORPORATIONS OR MUNICIPAL OR BOROUGH GOVERNMENTS

THEREFORE BE IT RESOLVED THAT THE YUPIIT BOUNDARIES AS DEFINED THROUGH TRADITIONAL MARKERS AND THE JURISDICTIONAL BOUNDARIES OF THE U.S. GEOLOGICAL SURVEY MARKERS TO INCLUDE BUT NOT LIMITED TO ALL LANDS WATER AND RESOURCES DEFINED AS FOLLOWS;

Land and Water Jurisdiction Boundry

The point of beginning is NORTHWEAST corner of T22S,R10W,Kateel River Meridian,Alaska,Hence travelling South to SOUTHEAST corner of the T22S R10W.Hence travelling Westt to NORTHWEST corner of T23S,R10WW,Hence travelling South to SOUTHEAST corner of T24S,R11W,Hence travelling East to NORTHEAST corner of T25S,R11W,Hence travelling South to SOUTHEAST to corner of T25S,R11W,Hense travelling West to SOUTHWEST corner of T25S,R11W,Hence travelling SOUTHTO SOUTHEAST corner of T28S,R12W,Hence travelling West to NORTHEAST corner of T33N,R64W,Seward Meridian,Alaska,Hence travelling South to SOUTHEAST corner of T33N,R64W,Hence travelling West to NORTHEAST corner of T32N,R64W,Hence travelling South to SOUTHEAST corner of T29N,R64W,Hence travelling West to NORTHEAST corner of T28N,R64W,Hence travelling South to the SOUTHEAST corner of T25N R64W,Hence travelling East to NORTHEAST corner of T24N,R61W,Hence travelling South to SOUTHWEST corner of T23N,R60W,Hence travelling East to NORTHEAST corner of T22N,R59W,Hence travelling South to SOUTHWEST corner of T22N,R58W,Hence travelling East to SOUTHEAST corner of T22N,R54W,Hence travelling North to NORTHEASTcorner of T22N,54W,Hence travelling East to SOUTHEAST corner of T23N,R51W,Hence travelling North to SOUTHEAST corner of T24N,R51W,Hence travelling East to SOUTHWEST corner of T24N,R42W,Hence travelling South to SOUTHEAST corner of T23N,R42W,Hence travelling East to NORTHEAST corner of T22N,R25W,Hence travelling South to SOUTHEAST corner of T21N,R25W,Hence travelling West to NORTHEAST corner ofT20N,R27W,HENCE travelling South to SOUTHEAST corner of T17N,R27W,Hence travelling West to NORTHEAST corner of T16N,R28W,Hence travelling South to SOUTHEAST corner of T14N,R28W,Hence travelling West to NORTHEAST corner to T13N,R29W,Hence travelling South to SOUTHEAST corner of T13N,R29W,Hence travelling Easr to NORTHEAST corner of T12N,R29W,Hence travelling South to SOUTHEAST corner of T11N,R29W,Hence travelling West to NORTHEAST corner of T10N,R30W,Hence travelling South to SOUTHEAST corner ofT9N,R30,Hence travelling West to NORTHEAST corner of T8N,R31W,Hence travelling South to SOUTHEAST corner of T8N,R31W,Hence travelling West to NORTHEAST corner of T7N,R35W,Hence travelling South to SOUTHEAST corner of T5N,R35W,Hence travelling West to NORTHEAST corner of T4N,R36W,Hence travelling South to NORTHEASTcorner of T1N,R36W,Hence travelling East to NORTHEAST corner of T1N,R30W,Hence travelling South to SOUTHEAST corner of T1N,R30W,Hence travelling East to NORTHEAST corner of T1S,R30W,Hence travelling South to SOUTHEAST corner of T1S,R30W,Hence travelling East to NORTHEAST corner of T2S,R26W,Hence travelling South to SOUTHEAST corner of T4S,R26W,Hence travelling West to NORTHEAST corner of T5S,R27W, Hence travelling South to SOUTHEAST corner of T6S,R27W,Hence travelling West to NORTHEAST corner of T7S,R30W,Hence travelling South to SOUTHEAST corner of T8S,R30W,Hence travelling West to NORTHEAST corner ofT9S,R31W,Hence travelling South to SOUTHEAST corner of T12S,R31W,Hence travelling East to NORTHEAST corner of T13S,R31W Hence travelling South to SOUTHEAST corner of T14S,R30W,Hence travelling East to NORTHEAST corner of T15S,R25W, Hence travelling SOUTHWEST meandering said coast of Shelikof Straight to SOUTHWEST corner of T30S,R41W, Hence travelling North to NORTHEAST corner of T29S,R42W,Hence travelling West to SOUTHEAST corner of T28S,R42W,Hence travelling North to T27S,R42W Hence travelling West to NORTHWEST corner of T27S,R44W,hence travelling South to SOUTHEAST corner of T28S,45W,Hence travelling West to NORTHWEST corner of T29S,R46W,Hence travelling to South to SOUTHWEST corner of T29S,R46W,Hence travelling East to SOUTHEAST corner of T29S,R46W, Hence travelling South to SOUTHEAST corner of T30S,R46W,Hence travelling West to NORTHEAST corner of T31S,R48W,Hence travelling South to SOUTHEAST corner of T32S,R48W,HENCE travelling West to NORTEAST corner of T33S,R49W,Hence travelling West to NORTHEAST corner of T34S,R51W,Hence travelling South to SOUTHEAST corner of

T36S,R51W.Hence travelling West to SOUTHWEST corner of T36S,R51W, Hence travelling North to NORTHWEST corner of T36S,R51W,,Hence travelling West to NORTHEAST corner of T36S,R53W Hence travelling South to SOUTHWEST corner of T36S,R53W,Hence travelling West to NORTHEAST corner of T37S,R55W, Hence travelling South to SOUTHEAST of T40S.R55W, Hence travelling West to NORTHEAST corner of T41S.R56W,Hence travelling South to SOUTHEAST corner of T51S,R56W,Hence travelling West to SOUTHWEST corner of T51S,R68W,Hence travelling North to NORTHEAST corner of T49S.R69W.Hence travelling East to SOUTHEAST corner T48S,R68W,Hence travelling North to NORTHEAST corner of T45S,R68W,Hence travelling West to SOUTHEAST corner of T44S,R68W,Hence travelling North to NORTHWEST corner od T42S,R69W,Hence travelling NORTHWEST to the point where 162 deg.long.and 58 deg.lat,meets Hence travelling West to 176 deg.long and 58 deg.lat.,Hence travelling North to 62.50 lat.176 deg long.Hence travelling NORTHEAST to 175.5 deg.lat. 63.13 deg.lat.Hence travelling SOUTHEAST to 170 deg, long. 62 deg. lat.Hence travelling NORTHEAST to 166 deg.long.64 deg.lat.Hence travelling East to 162 deg.long.64 deg.lat. Hence travellingSOUTHEAST to NORTHWEST corner of T22S,R12W, Kateel River Meridian, Hence travelling East to NORTHEAST corner of T22N,R10S,the point of Beginning.,AND

BE IT FURTHER RESOLVED THAT THE ABOVE DEFINITION ALSO INCLUDE ALL RESOURCES LAND AND SEA WITHIN THE JURISDICTIONAL CONFINES DESIGNATED IN THE ARCTIC POLICY ACT.

BE IT FURTHER RESOLVED THAT THE TRIBAL GOVERNMENT OF ATMAUTLUAK AS AGENT FOR THE SOVEREIGN MEMBERS OF ATMAUTLUAK ASSERT ITS SUZERAIN TRUST RESPONSIBILITY THROUGHOUT THE BIOREGIONAL LINGUISTIC KINSHIP RELATED AREA AS DEFINED ABOVE. AND HEREBY INCLUDE PROTECTION FOR THE TRADITIONAL COUNCILS AGAINST THIRD PARTIES IN THE FORM OF STATE GOVERNMENTS OR THIER LICENSED AGENTS.

BE IT FINALLY RESOLOVED THAT THE PRESIDENT OF THE UNITED STATES ACTING THROUGH HIS OFFICE EXCERSIZE THE SUZERAIN TRUST RELATIONSHIP OF THE UNITED STATES OF AMERICA TO THE GOVERNMENT OF ATMAUTLUAK IN SECURING THE INTEGRITY OF THE BIOREGIONAL SOVEREIGNTY OF THE TRIBAL MEMBERS OF ATMAUTLUAK THAT HAS BEEN REINFORCED BY THE ADOPTION OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE RATIFIED BY CONGRESS AND SIGNED BY THE PRESIDENT AND COMMANDER IN CHIEF OF THE UNITED STATES OF AMERICA.

PASSED UNANAMOUSLY ON SEPTEMBER 2,1986 BY THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL.

FROM ALEXIE PAVILLA, TRIBAL COUNCIL MEMBER ,ATMAUTLUAK AK. 8/18/86

DEAR GOVERNOR SHEFIELD.

I AM A COUNCIL MEMBER OF THE TRADITIONAL TRIBAL COUNCIL OF ATMAUTLUAK, WHOSE ROLE IS TO ADMINISTER TRIBAL AUTHORITY UNDER POLICIES SET BY THE ELDERS OF ATMAUTLUAK THAT REGULATE INDIVIDUAL TRIBAL MEMBERS INTO A CIVILIZED COOPPERATIVE UNIT THROUGH TRIBAL GOVERNMENT WHICH HAS BEEN IN EXISTANCE SINCE BEFORE WESTERN RECORDED HISTORY.

THE SUCCESS OF OUR CIVILIZED FORM OF CONSENSUS GOVERNMENT CAN BE ATTESTED TO BY THE FACT THAT WE ARE STILL IN CONTINUING FUNCTIONAL EXISTANCE DISPITE THE DISRUPTION OF ATTEMPTED RUSSIAN COLONIZATION AND DISPITE THE MORE EFFICIENT FORM OF PENETRATION OF AMERICAN ADMINISTRATION BY BUREAUCRATIC AGENCIES' MISINTERPRETATION OF THE INTENT OF ACTS PROMULGATED BY CONGRESS AND IT'S LEGISLATIVE ATTEMPT
TO PROTECT THE INDIVIDUAL HUMAN RIGHTS OF ALASKA NATIVES.

THE PROBLEM,ESPECIALLY IN ALASKA, IS ONE OF ENFORCEMENT OF JURISDICTION BASED ON RECOGNIZED TITLE. THIS CONTINUES TO BE THE CAUSE OF DISPUTE BETWEEN STATE AGENCIES AND THE CONSENSUS POLICIES UNDER THE ADMINISTRATION OF THE TRADITIONAL TRIBAL COUNCILS RECOGNIZED BY THE FEDERAL GOVERNMENT.

OFTENTIME THESE COUNCIL POLICIES ARE WITHOUT WRITTEN FORMAL DIRECTIVES AND ARE DIFFICULT TO COMPREHEND BY LESS SOPHISTICATED AGENTS OF THE STATE SYSTEM AND THEREFORE LEAD TO UNWARRENTED INTRUSIONS INTO SOVEREIGN TRIBAL JURISDICTION BY THESE AGENTS.

THE INABILITY OF THE PRESENT STATE SYSTEM TO COPE WITH SOVEREIGN JURISDICTION BASED ON ABORIGINAL TITLE AND THE DOCTRINE OF PROIOR USE AND OCCUPANCY,BUTRESSED ON FUNDEMENTAL HUNTING AND FISHING RIGHTS, IS CREATING AN ENVIORNMENT OF CONFRONTATION THAT COULD RESULT IN HARM IF CERTAIN RULES CONCERNING TREATIES,CONTRACTS AND CIVILIZED ACCOMODATIONS ARE NOT ENFORCED ON THOSE WHO DO US BOTH HARM.

THE BASIC ISSUE THAT IS CREATING AA CONFRONTATION OVER THE ENFORCEMENT OF JURISDICTION BETWEEN THE TRIBAL GOVERNMENTS AND THE STATE IS VESTED IN THE VIOLATION BY THE STATE OF SECTION 4 OF THE STATEHOOD ACT AND ARTICLE 12 SECTION 12 OF THE CONSTITUION OF THE STATE OF ALASKA WHICH IS COMMONLY REFERED TO AS THE "DISCLAIMER CLAUSE" THAT READS AS FOLLOWS:

SECTION 12. DISCLAIMER AND AGREEMENT

> THE STATE OF ALASKA AND ITS PEOPLE FOREVER DISCLAIM ALL RIGHT AND TITLE IN OR TO ANY PROPERTY BELONGING TO THE UNITED STATES,OR SUBJECT TO ITS DISPOSITION,AND NOT GRANTED OR CONFIRMED TO THE STATE OR ITS POLITICAL SUBDIVISIONS,BY OR UNDER THE ACT OF ADMITTING ALASKA TO THE UNION. THE STATE AND ITS PEOPLE FURTHER DISCLAIM ALL RIGHT OR TITLE TO WHICH MAY BE HELD BY OR FOR ANY INDIAN,ESKIMO,OR ALEUT,OR COMMUNITY THEREOF,AS THAT RIGHT OR TITLE IS DEFINED IN THE ACT OF ADMISSION.THE STATE AND ITS PEOPLE AGREE THAT, UNLESS OTHERWISE PROVIDED BY CONGRESS,THE PROPERTY, AS DESCRIBED IN THIS SECTION,SHALL REMAIN SUBJECT TO ABSOLUTE DISPOSITION OF THE UNITED STATES. THEY FURTHER AGREE THAT NO TAXES WILL BE IMPOSED UPON ANY SUCH PROPERTY,UNTIL OTHERWISE PROVIDED BY CONGRESS. THIS TAX EXEPTION SHALL NOT APPLY TO PROPERTY HELD BY INDIVIDUALS IN FEE WITHOUT RESTRICTION ON ALIENATION

FURTHER IN

SECTION 13. CONSENT TO ACT OF ADMISSION

> ALL PROVISIONS OF THE ACT ADMITTING ALASKA TO THE UNION WHICH RESERVE RIGHTS OR POWERS TO THE UNITED STATES,AS WELL AS THOSE PRESCRIBING THE TERMS OR CONDITIONS OF THE GRANTS OF LANDS OR OTHER PROPERTY,ARE CONSENTED TO FULLY BY THE STATE AND ITS PEOPLE.

ALSO IN THE DOCUMENTS,WORKING PAPERS AND LEGAL OPINIONS OF THE STATEHOOD COMMISSION WHICH WAS CREATED BY A REFERENDUM APPROVED BY THE MAJORITY OF THE VOTERS OF THE STATE ON AUG.26,1980, THE REASON AND NECCESITY FOR THE INCLUSION OF THE "DISCLAIMER CLAUSE" IN BOTH THE STATEHOOD ACT AND THE CONSTITUTION WAS DONE IN ORDER TO CIRCUMVENT OBJECTIONS TO THE STATEHOOD VOTE IN ALASKA FROM THE WORLD COMMUNITIES UNDER THE AUSPICES OF THE UNITED NATIONS. THERE WAS NO OBJECTION BY THE UNITED NATIONS BECAUSE THE SOVEREIGN RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVES OF ALASKA WAS NOT INTERFEREDWITH BY THE "LEGISLATIVE CREATION"OF THE "STATE" OF ALASKA AT THAT TIME.

THE PROBLEM WAS FURTHER RECOGNIZED BY THE STATEHOOD COMMISSION IN ONE OF ITS PUBLICATIONS EXPLAINING ALTERNATE FORMS OF GOVERNMENT THAT WOULD BE LESS DISRUPTIVE THEN THE "STATE" IN THE RECOGNITION OF THE SOVEREIGN GOVERNMENT RELATIONSHIP OF THE TRIBES IN ALASKA AND THE UNITED STATES OF AMERICA.

SINCE THE "STATE" OF ALASKA HAS WANDERED INTO THE THICKET OF SOVEREIGN JURISDICTION AND IS BECOMING ENTANGLED EVERY DAY AND IN DESPERATION MAY DAMAGE ITSELF OR THOSE TRYING TO HELP.AND SINCE THE POLITICAL DAMAGE COULD SOON BECOME IRREPAIRABLE, I WOULD LIKE TO SUGGEST TO YOU AS GOVERNOR AND CHIEF EXECUTIVE OF THE STATE THAT YOU TAKE DIRECT CHARGE AND DISMISS THE CONFUSION AND INTERFERENCE BEING CREATED BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS AND SUSPEND ANY ACTION OR DIRECTIVES BY THE BOUNDRY COMMISSION UNTIL THE PROBLEM CAN BE RESOLVED BY THE SOVEREIGN PARTIES INVOLVED AND THE FULL MEANING OF TRIBAL CONSENT CAN BE DETERMINED TO THE BENEFIT OF ALL WHO ARE DIRECTLY CONCERNED.

I WOULD FURTHER LIKE TO SUGGEST TO YOU THAT THESE DETERMINATIONS WILL BE BASED AND COMPATABLE TO THE DOCTRINE OF HUMAN RIGHTS AND THE INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE AS PASSED BY THE 99TH CONGRESS AND SIGNED BY THE PRESIDENT AND COMMANDER IN CHIEF OF THE UNITED STATES OF AMERICA.

FOR YOUR FURTHER INFORMATION THE ABOVE DOCTRINE AND CONVENTION WAS ADOPTED BY FORMAL WRITTEN RESOLUTION OF THE ATMAUTLUAK TRADITIONAL TRIBAL COUNCIL OF WHICH I AM A MEMBER.

SIGNED ALEXIE PAVILLA JR
TRADITIONAL COUNCIL MEMBER
ATMAUTLUAK, ALASKA 99559

ATMAUTLUAK TRADITIONAL COUNCIL
GENERAL DELIVERY
ATMAUTLUAK, ALASKA 99559
(907) 553-5610
SEPTEMBER 16, 1986

CHRISTINA L. BACH
SPECIAL ASSISTANT TO THE PRESIDENT
FOR INTERGOVERNMENTAL AFFAIRS
RM. 117
WASHINGTON D.C. 200500

ENCLOSED ARE TOW SETS OF RESOLUTIONS AND PERTAINENT CORRESPONDENCE FROM THE ATMAUTLUAK TRADITIONAL COUNCIL AND THE MAMTERELLIQUIT (BETHEL) TRIBAL COUNCIL OF ELDERS.

WE ARE ASSERTING OUR TRIBAL JURISDICTION AND TRYING TO GET ENFORCEMENT OF THIS JURISDICTION THROUGH THE UNITED STATES FEDERAL AUTHORITIES IN ORDER TO PREVENT HARRASMENT BY THE STATE OF ALASKA AND ITS VARIOUS CHARTERED CORPORATE FORMS.

THE LETTER OF ALEXIE PAVILLA TO THE GOVERNOR OF THE STATE OF ALASKA WHICH IS ENCLOSED, OUTLINES THE PROBLEM. THIS LETTER WAS UNANIMOUSLY ENDORSED BY BOTH THE TRADITIONAL ELDERS COUNCIL AND THE TRADITIONAL ADMINISTRATIVE COUNCIL OF ATMAUTLUAK.

IN OUR RESEARCH OF THE ISSUES CONCERNING THE GOVERNMENT TO GOVERNMENT RELATIONSHIP BETWEEN THE UNITED STATES OF AMERICA AND THE SOVEREIGN TRIBES OF ALASKA WE FIND THAT WE ARE IN COMPLETE AGREEMENT WITH THE POLICY AND FINDING OF FACT OF THE CONGRESS OF THE UNITED STATES AS PRINTED IN THE RECODIFICATION OF TITLE 25 (ENCLOSED), PRESIDENT REAGAN POLICY STATEMENT OF SELF AND LOCAL DETERMINATION OF INDIANS ISSUED JANUARY 24, 1983 AND THE SUPREME COURT DECISION IN SANTA CLARA PUEBLO VS. MARINEZ 98 CT 1670 (1978).

THE ENCLOSED RESOLUTION ATTEST TO OUR AGREEMENT TO THE POLICY STATEMENTS AND COURT DECISIONS AND WHAT CONCERNS US IS THAT WE ARE STILL BEING HARRASSED BY THIRD PARTY INTERFERENCE INTO THE SOVEREIGN TO SOVEREIGN GOVERNMENTAL RELATIONSHIP WHICH I BELIEVE YOUR OFFICE WAS DESIGNED TO PREVENT.

WITH THE RATIFICATION BY CONGRESS OF THE "COVENANT ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE" (ANTI-GENOCIDE TREATY) ON FEBRUARY 19, 1986 WITH THE SUPPORT OF PRESIDENT REAGAN, THE RELATIONSHIP OF THE TRIBES AND THE UNITED STATES HAVE TO BE REEVALUATED TO COMPLY ESPECIALLY TO THE SECTIONS RELATED TO CULTURAL AND ECONOMIC GENOCIDE SO AS TO REMOVE THE ADMINISTRATIVE APPLICTION OF THESE FORMS FROM OUR INTERGOVERNMENTAL RELATIONSHIPS.

SPECIFICALLY WE FIND THAT IN THE "FILTERING DOWN" PROCESS OF THE TRANSFER PAYMENTS TO THE TRIBES THAT ARE INITIALLY DERIVED FROM ROYALTY LEASES, AND FEDERALLY SANCTIONED TAXES, THAT THESE FUNDS ARE INTERCEPTED BY THE STATE OF ALASKA WITHOUT TRIBAL CONSENT AND ARE TRANSFORMED INTO WELFARE PROGRAMS WHICH HAVE SERIOUSLY AMPLIFIED THE GENOCIDAL PATTERNS OF STATE ADMINISTRATION.

THIS PATTERN HAS BEEN DOCUMENTED BY NUMEROUS REPORTS AND MOST RECENTLY IN THE REPORT BY THE INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH OF THE OF THE UNIVERSITY OF ALASKA DATED APRIL 25, 1986 (RESEARCH SUMMARY ENCLOSED).

WE FIND THAT THE ADMINISTRATIVE COST OF THE TRANSFER PAYMENTS THROUGH THE STATE RESULTS NOT ONLY IN AN EXCESSIVE DRAIN ON THE FUNDS BUT THAT WE ARE ALSO FINANCING THE GENOCIDAL ADMINISTRATION OF THOSE THIRD PARTIES THAT DO BOTH OF US HARM. THIS MUST STOP AND TO THIS END ATMAUTLUAK RESOLUTION 86-05 AND 86-06 ARE DEDICATED. RESOLUTION 86-05 REAFFIRMS OUR JURISDICTIONAL BOUNDARIES WHILE 86-06 CALLS FOR A FULL GOVERNMENTAL ACCOUNTING OFFICE AUDIT OF PL93-638 AGENTS THAT OPERATE WITHIN THE AREA OF JURISDICTION AS DEFINED IN 86-05.

IT IS IMPORTANT THAT YOUR OFFICE BE WELL INFORMED ON THE PROVISIONS OF THE "ANTI-GENOCIDE TREATY" SO THAT THE TOTAL RELATIONSHIP OF INDIGENOUS SOVEREIGN ENTITIES AND THE UNITED STATES GOVERNMENT CAN BE REAPPRAISED AND DEFINED SO THERE IS NO CONFLICTION IN THE PLENARY APPLICATION OF POWER BY THE SOVEREIGN UNIVERSAL DOCTRINE OF HUMAN RIGHTS AND THE COVENANT ON THE PREVENTION AND THE PUNISHMENT OF THE CRIME OF GENOCIDE.

WE ARE CONFIDENT THAT THE PROPER FUNCTION OF YOUR OFFICE CAN RELIEVE MANY OF THE BURDENS THAT ASSAIL BOTH THE INTERIOR AND STATE DEPARTTMENT WHERE "INDIAN CONFLICTS" ARE INVOLVED. WE ARE SURE THAT ATMAUTLUAK CAN ASSIST YOU IN THAT TASK TO THE BENIEFIT OF OUR FUTURE SOVEREIGN TO SOVEREIGN RELATIONSHIP.

IN CLOSING WE WOULD LIKE TO AGAIN DRAW YOUR ATTENTION TO ATMAUTLUAK RESOLUTION 86-06 WITH OUR REQUEST FOR A FULL GOVERNMENTAL ACCOUNTING OFFICE AUDIT OF PL 93-638 AND A COMPLETE INVESTIGATION BY THE GOVERNMENT ACCOUNTING OFFICE AND YOUR OFFICE OF MISFEASANCE, MALFEASENCE AND MISPRISON ON THE PART OF THOSE WHO HAVE USED THE TRUST RESPONSIBILITY OF FEDERAL OFFICE TO REVERSE THE POLICY OF CONGRESS. THE PRESIDENT, AND DECISSIONS OF THE SUPREME COURT OF THE UNITED STATES.

WE IN ATMAUTLUAK HAVE COMMON CAUSE WITH THE UNITED STATES IN MAINTAINING THE INTEGRITY OF GOVERNMENT OFFICE SO THAT WE CAN MUTUALLY SECURE OUR SOVEREIGN RELATIONSHIP AND UPHOLD THE RECENTLY RATIFIED "ANTI-GENOCIDE" COVENANTS TO THE UNIVERSAL DOCTRINE OF HUMAN RIGHTS.

RESPECTFULLY YOURS,
MOSES A. PAVILLA SR.
CHAIRMAN TRADITIONAL ADMINISTRATIVE COUNCIL
OF ATMAUTLUAK

ATMAUTLUAK TRADITIONAL COUNCIL
GENERAL DELIVERY
ATMAUTLUAK, ALASKA 99559
(907) 553-5610

JANUARY 18, 1988

DEAR SENATOR INOUYE,

ENCLOSED WITH THIS LETTER ARE ATMAUTLUAK TRADITIONAL TRIBAL RESOLUTIONS AND PERTAINENT LETTERS THAT CONCERN RECOGNITION AND SECURITY OF OUR SOVEREIGN JURISDICTION. WE HOPE THAT YOU YOUR, COMMITTE AND STAFF CAN ASSIST US IN ATTAINING INTERBIOREGIONAL RECOGNITION OF OUR HUMAN RIGHTS AND ABORIGINAL TITLE UNDER A COMPACT OF FREE ASSOCIATION.

THE RELATIONSHIP THAT NOW EXISTS BETWEEN THE RECOGNIZED SOVERIGN TRIBAL GOVERNMENTS AND THE SOVEREIGN GOVERNMENT OF THE UNITED STATES IS QUITE CONFUSING DUE TO AN APPLICATION OF AN ADMINSTRATIVE TRUST THROUGH THIRD PARTY AGENTS.

WE BELIEVE WE CAN SIMPLIFY AND IMPROVE OUR RELATIONSHIP BY CHANGE OF POLICY THAT IMPLEMENTS A SUZERAIN TRUST RELATIONSHIP TO CONFORM AND COMPLY WITH THE "ANTI-GENOCIDE" TREATY THAT WAS RATIFIED BY THE CONGRESS AND SIGNED BY THE PRESIDENT OF THE UNITED STATES ON FEBRUARY 19, 1986 AS A GUIDELINE.

THE EFFECT OF THE "ANTI-GENOCIDE" TREATY ON FUTURE RELATIONSHIPS IS RECOGNIZED BY THE ELDERS COUNCIL OF ATMAUTLUAK AND IS REFLECTED IN OUR TRIBAL RESOLUTIONS OF 1986 AND 1987 WHICH ARE ENCLOSED. THEY SET THE PERAMETERS FOR MUTUAL SECURITY AND COMMERCIAL TRADE RELATIONS UNDER THE PROVISIONS OF A COMPACT OF FREE ASSOCIATION THAT RECOGNIZES NATURAL BIOREGIONAL BOUNDARIES AND TITLES BASED ON PRIOR USE AND OCCUPANCY.

IT WILL BE EVIDENT AFTER REVIEWING OUR RESOLUTIONS THAT WE REFECT IN IT'S ENTIRETY PL92-203 (85 STAT 688) COMMONLY KNOWN AS ANCSA. WE BELIEVE THAT ANCSA IS NOTHING MORE THAN ATTEMPTS BY THIRD PARTIES TO QUIET THE TITLE OF THE QUIT CLAIM DEEDS OF THOSE GOVERNMENTAL, CORPORATE AND "PRIVATE" ENTITIES THAT HAVE SEVERED LAND AND WATER RESOURCES FROM THE SOVEREIGN TRIBAL ACCOUNTS. THIS REJECTION ALSO INCLUDES "NATIVE" ALLOTMENTS GRANTED INDIVIDUAL TRIBAL MEMBERS AS A "REWARD" FOR TERMINAION.

IN OUR INTENSIVE STUDY OF THE INTERRELATED EFFECTS OF ANCSA, FLPMA(PL94-579 (90 STAT 2743) AND ANILCA (96-487(94 STAT 2571) WE FOUND THAT, DESPITE THE INTENT, THESE ACTS OF CONGRESS LAID A POTENTIAL ROADBED FOR GENOCIDE WHEN THEY ARE FULLY IMPLEMENTED IN 1991. WE CAME TO THE CONCLUSION THAT ANILCA WAS AN ATTEMPT TO ILLUMINATE AND DEFINE THE SOVEREIGN AUTHORITY OF THE VILLAGE TRIBAL COUNCILS SO THAT IN 1991 IT COULD NOT BE SAID THAT THE INDIGENOUS TITLE HOLDERS WERE NOT PROPERLY APPRAISED OF THE RIGHTS THEY WERE GIVING UP WHEN FLIPMA IS IMPLEMENTED ON OCTOBER 21, 1986.

THE LANGUAGE OF ANILCA SEEMED TO BE OCHESTRATED SO THAT THE TERM SOVEREIGNTY WAS NEVER USED IN THE TEXT OF THE LEGISLATION AND DISGUISED SO THAT BY THE TIME 1991 CAME AROUND JUDICIAL STANDING IN THE COURTS WOULD BE DENIED TO THE ABORIGINAL TITLE HOLDERS UNDER THIER HUMAN RIGHTS ENFRANCHISEMENTS. WITH NO CONTEST, THE ADMINISTRATION OF THE UNITED STATES GOVERNMENT COULD THEN ASSERT EXTENDED JURISDICTION UNDER A DISTORTION OF THE DOCTRINE OF "IMPLIED CONSENT".

THE DIRECT GENOCIDAL AFFECTRS OF ANCSA CAN NOT BE RECTIFIED BY AMMENDMENT ESPECIALLY NOW THAT THE UNITED STATES IS A SIGNATOR OF THE "ANTI-GENOCIDE TREATY" WHICH EFFECTIVELY AMENDS THE U.S. CONSTITUTIONAL AUTHORITY AND PERTAINENT LEGISLATION BASED ON THAT AUTHORITY.

WE WOULD LIKE TO GET YOUR ASSISTANCE IN THE CALL FOR AT LEAST A 10 YEAR MORITORIUM ON ANY FURTHER IMPLEMENTATION OF ANCSA, ANILCA, AND FLPMA ALONG WITH OTHER PERTAINENT LEGISLATION SO THAT ALL THE PEOPLE AND THIER REPRESENTATIVES CAN REFLECT ON THE GENOCIDAL DAMAGES AND THUS BRING THE INTENT AND THE LETTER OF THESE ACTS INTO CONFORMITY WITH THE UNIVERSAL DOCTRINE OF HUMAN RIGHTS AND THE PROVISIONS OF THE "ANTI-GENOCIDE" TREATY.

YOUR PARTICULAR ATTENTION TO RESOLUTION 86-06 IS DESIRED. THIS RESOLUTION CALLS FOR A GAO INVESTIGATION OF CONTRACTING AGENTS UNDER PL 93-638, THE SELF DETERMINATION ACT, THAT WE BELIEVE GOES TO THE HEART OF A PROBLEM THAT ALLOWS POLITICAL AND ECONOMIC BROKERING BY THIRD PARTY CONTRACTORS THAT WORK AGAINST THE INTENT AND THE LETTER OF THE ACT UNDER THE DISGUISE OF SELF AND LOCAL DETERMINATION.

WE WOULD LIKE, AT THIS TIME, TO INVITE YOU AND ANY MEMBERS OF YOUR COMMITTE AND STAFF TO VISIT US IN ATMAUTLUAK SO THAT YOU CAN EVIDENCE AT FIRST HAND OUR COMMITMENT TO THESE UNIVERSAL DOCTRINES AND OUR RESPECT OF THE RIGHTS OF PRIOR USE AND OCCUPANCY AND THE CIVILIZED INTEGRATION THAT WE HAVE PRACTICED SINCE BEFORE "RECORDED" HISTORY. THOSE OF US WHO OBSERVED THE PATIENCE, DIGNITY AND INTEGRITY WITH WHICH YOU CONDUCTED THE CHAIRMANSHIP OF THE "CONTRA" HEARINGS IN 1987, LOOK FORWARD TO MEETING YOU AND HAVE YOU PARTAKE OF OUR YUPIC HOSPITALITY.

SINCERLY YOURS
ATMAUTLUAK TRADITIONAL ELDERS COUNCIL

LETTER TO GOVERNOR AND GOVERNOR ELECT 11/14/86

DEAR GOVERNOR SHEFFIELD
AND GOVERNOR ELECT COWPER.

WHEN THE CITY COUNCIL OF ATMAUTLUAK SUBMITTED THEIR JOINT RESIGNATIONS TO THE TRADITIONAL ELDERS COUNCIL OF ATMAUTLUAK, THERE WAS NO WAY THAT TITLE 29 COULD BE IMPLEMENTED AS THER WAS NO LEGAL PROVISION FOR DISSOLUTION WHEN THE CITY COUNCILMEN RESIGNED IN A MANNER THAT TRANSFERRED THE POWER OF LOCAL GOVERNMENT TO THE TRADITIONAL ELDERS COUNCIL OF ATMAUTLUAK.

THE TRADITIONAL ELDERS COUNCIL ASSUMED FULL GOVERNING AUTHORITY AND RESPONSIBILITY OVER ALL LEGAL OBLIGATIONS AND CONTRACTS AND SINCE ATMAUTLUAK WHICH IS RECOGNIZED BY FEDERAL AND INTERNATIONAL LAW AS HAVING PRECEDENTIAL AS WELL AS A HIGHER LEVEL OF GOVERNING AUTHORITY, THE FUNDING OF THIS SUPERIOR CHANNEL OF GOVERNANCE SHOULD HAVE BEEN SIMPLY A MATTER OF ADMINISTRATIVE TRANSFER BY THE CHIEF EXECUTIVE OFFICER OF THE STATE WITH THE ACCOUNTING PROCEEDURES ADJUSTED BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS AND THE DEPARTMENT OF REVENUE.

THE PRIMARY CONCERN OF THE ELDERS WAS THAT NO SERVICE SHOULD BE DISRUPTED AND RESOLUTION 86-04 ADRESSES THIS ISSUE DIRECTLY SO THAT THERE SHOULD HAVE BEEN NO INTERFERENCE BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS IN ITS FREEZING OF FUNDS TO ATMAUTLUAK.

THE TRADITIONAL ELDERS COUNCIL OF ATMAUTLUAK HAS BEEN VERY PATIENT UP TO THIS TIME REALIZING THE POLITICAL DIFFICULTIES OF THE STATE IN ITS CHANGE OF ADMINISTRATION, AND ITS ADJUSTMENT TO THE SOVEREIGN JURISDICTION OF THE FEDERALLY RECOGNIZED TRADITIONAL TRIBES IN ALASKA.

WE WOULD SUGGEST TO THE GOVERNOR AND THE GOVERNOR ELECT THAT THEY PRIORITIZE THE ADMINISTRATIVE TRANSFER OF FUNDS TO ATMAUTLUAK SO THAT THE NEW ADMINISTRATION ISN'T SADDLED WITH ADDED POLITICAL AND LEGAL PROBLEMS THAT COULD INJURE FUTURE RELATIONS BETWEEN THE FEDERALLY RECOGNIZED TRIBES OF ALASKA AND THE STATE.

CC/COMMISSIONER OF COMMUNITY AND REGIONAL AFFAIRS EMIL NOTTI
DIRECTOR, OF MUNICIPAL REGIONAL ASSISTANCE DIVISION MARTY RUTHERFORD
ATTORNEY GENERAL STATE OF ALASKA ATT JAME BALDWIN ASST.ATTORNEY GEN
MAYOR BRINK, KASIGLUK ALASKA.

ENCLOSED ARE RESOLUTIONS THAT HAVE BEEN PASSED BY THE TRADITIONAL ELDERS COUNCIL OF ATMAUTLUAK.

AS YOU PROBOBLY KNOW, TRADITIONAL TRIBAL RESOLUTIONS HAVE THE SAME LEGAL FORCE AS AN ACT OF CONGRESS ESPECIALLY IF SOVEREIGN JURISDICTION IS DECLARED SIMILAR TO ATMAUTLUAK TRIBAL RESOLUTION 86-05 (TUNUNAK RES 88-02) WHICH IS ENCLOSED.

AS YOU CAN FURTHER SEE, THE TRADITIONAL COUNCILS ARE SUPERIOR TO THE IRA COUNCILS BECAUSE THE IRA COUNCILS CAN ONLY ASSERT THEIR POWERS UNDER THE CONTROL OF THE SECRETARY OF THE INTERIOR WHO HAS VETO POWER OVER THE IRA COUNCILS.

ATMAUTLUAK HAS NOW OPENED UP DIRECT COMMUNICATIONS TO THE OFFICE OF THE PRESIDENT, AND IS ATTEMPTING TO LET THE SPECIAL ASSISTANT TO THE PRESIDENT FOR INTERGOVERNMENTAL AFFAIRS,CHRISTINA L. BACH FUNCTION IN HER OFFICE SO THAT WE CAN CIRCUMVENT THE INTERFERENCE BY THE SECRETARY OF THE INTERIOR WHOSE OFFICE IS LIMITED IN DISCHARGING THE UNITED STATES INTERNATIONAL AS WELL AS ITS NATIONAL COMMITMENT TO THE TRIBAL GOVERNMENT OF THE SOVEREIGN PEOPLE OF ATMAUTLUAK.

IF YOU HAVE ANY QUESTIONS CONCERNING TRIBAL JURISDICTION OF THE TRADITIONAL COUMCILS OR ANY QUESTIONS CONCERNING THE OTHER RESOLUTIONS IN YOUR PACKET CALL MOSES A PAVILLA SR. IN THE ATMAUTLUAK TRADITIONAL COUNCIL OFFICE, (907)553-5610.

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK TRADITIONAL ELDERS COUNCIL
RESOLUTION # 86-01

WHEREAS; THE TRADITIONAL VILLAGE OF ATMAUTLUAK IS RECOGNIZED AS A TRIBAL ENTITY EXCERCISING GOVERMENTAL FUNCTIONS PURSUANT TO TITLE II OF P.L. 97-473 (26 USC 7871).AND

WHEREAS; THE TRADITIONAL VILLAGE OF ATMAUTLUAK HAS NEVER DISCLAIMED SOVEREIGN JURISDICTION BY ANY RESOLUTION OR ACTS OF ITS COUNCIL ACTING AS AGENT TO ITS SOVEREIGN TRIBAL MEMBERS

WHEREAS; P.L.97-473 (26 USC 7871) TITLE II IS CITED AS THE INDIAN TRIBAL GOVERNMENT TAX STATUS ACT OF 1982, AND

THEREFORE BE IT RESOLVED THAT ANY FEDERAL TAXES AS ENUNCIATED AND ENUMERATED UNDER THE PROVISIONS OF P.L. 97-473 TITLE II (26 USC 7871) THAT ARE PAID WITHIN THE TRIBAL JURISDICTION OF ATMAUTLUAK CAN BE VOLUNTARILY PAID TO THE TREASURER OF THE VILLAGE COUNCIL, AND

BE IT FURTHER RESOLVED THAT THE TREASURER OF THE VILLAGE COUNCIL ISSUE A DULY SIGNED TAX CREDIT TO RELIEVE THE DONER OF THE TAX BURDEN TO THE U.S. TREASURY IN THE AMOUNT OF THE DONATION, AND

BE IT FINALLY RESOLVED THAT THE TREASURER OF THE VILLAGE COUNCIL MAY ISSUE TAX CREDITS UNDER P.L. 97-473 (26 USC 7871) FOR ALL GOODS SERVICES OR DONATIONS AS APPROVED BY THE VILLAGE COUNCIL.

PASSED UNANAMOUSLY ON JAN.18 1986 BY THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL.

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK ALASKA
RESOLUTION 86-02

WHEREAS; BASIC FUNDEMENTAL HUMAN RIGHTS ARE NOT NEGOTIABLE, AND

WHEREAS THE NATIVE VILLAGE OF ATMAUTLUAK IS FEDERALLY RECOGNIZED TRIBE PURSUANT TO 26 USC PART 305,SECTION 7871 ET SEQ.,25 USC ET SEQ. TITLED "INDIANS", 43 USC ET SEQ. TITLED "PUBLIC LANDS",AND.

WHEREAS; THE NATIVE VILLAGE OF ATMAUTLUAK HAS THE PLENARY POWERS AND SOVEREIGN AUTHORITY TO DELEGATE AUTHORITY TO TRIBAL ORGANIZTIONS OF ITS MEMBERS AND MEMBERS OF OTHER NATIVE VILLAGES IN ALASKA,AND

WHEREAS; THE ALASKA RIGHTS CONSULTANTS TRIBAL ORGANIZATION WAS CREATED AND AUTHORIZED BY TRIBAL RESOLUTION,PURSUANT TO THE PLENARY POWERS AND SOVEREIGN AUTHORITY OF CHICKALOON VILLAGE,AND

WHEREAS; THE ALASKA RIGHTS CONSULTANTS TRIBAL ORGANIZATION HAS BEEN CREATED BY AND THRIUGH THE AUTHORITY OF CHICKALOON VILLAGE TO PROTECT ALL BASIC, FUNDEMENTAL HUMAN RIGHTS,AND

WHEREAS; THE NATIVE VILLAGE OF ATMAUTLUAK RECOGNIZES THAT THE MEMBERS OF THEIR TRIBE HAVE BEEN DISPLACED TO THE COOK INLET REGION OF ALASKA, AND

WHEREAS; THE NATIVE VILLAGE OF ATMAUTLUAK RECOGNIZES THAT ALTHOUGH THESE TRIBAL MEMBERS HAVE BEEN DISPLACED THEY HAVE NOT BEEN ABANDONED BY THEIR TRIBE, THESE TRIBAL MEMBERS MAINTAIN THEIR TRIBAL IDENTITIES.

NOW THEREFORE BE IT RESOLVED THAT THE SOVEREIGN MEMBERS OF THE VILLAGE OF ATMAUTLUAK RECOGNIZES THE JURISDICTION OF CHICKALOON VILLAGE WITHIN THE COOK INLET REGION OF ALASKA,AND CONTRACT FOR THE SECURITY PROTECTION OF ITS TRIBAL MEMBERS WITHIN THE COOK INLET REGION AREA OF ALASKA FOR WHATEVER PURPOSE.

BE IT FURTHER RESOLVED THAT THE VILLAGE OF ATMAUTLUAK RECOGNIZES ALASKA RIGHTS CONSULTANTS AS THE TRIBAL ORGANIZATION ACTING AS AN AGENT TO THE TRADITIONAL COUNCIL OF CHICKALOON TO PERFORM THE SEVICES DELEGATED UNDER CHICKALOON TRADITIONAL COUNCIL RESOLUTION OF JANUARY 18, 1986.

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK TADITIONAL ELDERS TRIBAL COUNCIL
RESOLUTION #86-03

WHEREAS; BASIC, SACRED, FUNDEMENTAL HUMAN RIGHTS ARE NOT NEGOTIABLE

WHEREAS; THERE EXISTS AN INDEFINATE NUMBER OF PERSONS WHO ARE INDIGENOUS TO THE LAND HEREIN KNOWN AS THE ARCTIC RESIDING IN THE FEDERALLY RECOGNIZED NATIVE COMMUNITY ATMAUTLUAKLOCATED WEST OF THE KUSKOKWIM RIVER AND NORTH OF THE 60 DEGREE PARALLEL, AND

WHEREAS; THE TRIBAL MEMBERS OF THE NATIVE COMMUNITY OF ATMAUTLUAK HAVE NEVER RELINQUISHED THIER VALID EXISTING RIGHTS UNDER UNITED STATES SECURITY PURSUANT TO 25 U.S.C.ET. SEQ. TITLED "INDIANS", TRIBAL RESOLUTIONS, AND

WHEREAS; THE TRIBAL MEMBERS ARE SOVEREIGN AND HAVE RECOGNIZED THIER INHERENT RIGHT TO SELF GOVERNMENT AND SELF DETERMINATION PUSUANT TO P.L. 93-638, AND

WHEREAS; ALL TRIBAL MEMBERS HAVE THE RIGHT TO BE PROTECTED BY THIER GOVERNMENT, INFORMED ON ALL MATTERS PERTAINING TO THIER RIGHT OF TITLE AND SECURITY,

NOW THEREFORE BE IT RESOLVED THAT WE, THE TRIBAL MEMBERS OF THE FEDERALLY RECOGNIZED NATIVE COMMUNITY OF ATMAUTLUAK, HERBY RECOGNIZE THE TRADITIONAL GOVERNMENT OF ATMAUTLUAKUNDER THE TRADITIONAL ELDERS COUNCIL OF ATMAUTLUAK AS THE ONLY ENTITY WITH THE RIGHT TO GOVERN ITS SOVEREIGN TRIBAL MEMBERS WITH PLENARY POWER TO PROTECT AND SECURE THIER RIGHTS AND TITLE PURSUANT TO THE UNITED NATIONS DOCTRINE OF HUMAN RIGHTS; AND

BE IT FURTHER RESOLVED THAT THE TRADITIONAL GOVERNMENT OF ATMAUTLUAK ASSERT ITS SOVEREIGN JURISDICTION AND PLENARY AUTHORITY OVER THE TRIBAL MEMBERS OF ATMAUTLUAK AND DECLARES THAT ANY INTERFERENCE OF THAT JURISDICTION WITHOUT THE CONSENT OF THE TRIBE IS IN DIRECT VIOLATION OF THE SOVEREIGN AUTHORITY OF THE ATMAUTLUAK TRIBE IN THIER INHERENT RIGHT TO GOVERN, AND

BE IT FINALLY RESOLVED THAT THE TRADITIONAL ELDERS TRIBAL COUNCIL OF ATMAUTLUAK ADOPTS AS ITS CHARTER TO GOVERN, THE UNIVERSAL DOCTRINE OF HUMAN RIGHTS AND THE COVENANTS ADOPTED BY THE CONVENTION ON THE PREVENTION AND THE PUNISHMENT OF THE CRIME OF GENOCIDE AND THE DECLARATION OF THE ELIMINATION OF THE DISCRIMINATION AGAINST WOMEN AS PUBLISHED BY THE UNITED NATIONS AND RATIFIED BY THE CONGRESS OF THE UNITED STATES AND SIGNED BY THE CHIEF EXECUTIVE OFFICER AND PRESIDENT OF THE UNITED STATES OF AMERICA.

PASSED THIS 23RD DAY OF JULY 1986 BY THE TRADITIONAL COUNCIL OF ATMAUTLUAK

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK ALASKA
RESOLUTION 86-04

WHEREAS; THE CITY COUNCIL MEMBERS OF ATMAUTLUAK HAS RESIGNED AND HAVE VACATED ITS RESPONSIBILITIES TO SET POLICY FOR THE ADMINIS- TRATION OF SERVICES THAT SUPPORT THE RIGHTS OF SELF AND LOCAL DETERMINATION WITHIN THE JURISDICTIONAL CONFINES OF ATMAUTLUAK.

WHEREAS; THE FORMER MEMBERS OF THE CITY COUNCIL OF ATMAUTLUAK HAS RECOGNIZED THE JURISDICTION OF THE TRADITIONAL COUNCIL OF ATMAUTLUAK AS AGENT OF THEIR SOVEREIGN RIGHTS UNDER THE DOCTRINE OF SELF AND LOCAL DETERMINATION.

WHEREAS; THE TRADITIONAL COUNCIL BY RESOLUTION HAS ASSERTED ITS RIGHT TO GOVERN IN ALL MATTERS PERTAINING TO TO LAND RESOURCES AND ALL LIVING THINGS WITHIN THE ATMAUTLUAK AREA OF JURISDICTION

NOW THEREFORE BE IT RESOLVED THAT THE ATMAUTLUAK TRADITIONAL COUNCIL RECEIVE ALL FUNDS INCLUDING REVENUE SHARING,PRESENTLY UTILIZED BY THE CITY OF ATMAUTLUAK IN THE ADMINISTRATION OF CONTINUING SERVICES TO THE PEOPLE OF ATMAUTLUAK SO THAT THERE IS NO DISRUPTION IN THE ORDERLY TRANSFER OF THE JURISDICTIONAL AUTHORITY TO THE TRADITIONAL VILLAGE COUNCIL OF ATMAUTLUAK.

BE IT FURTHER RESOLVED THAT THE TRADITIONAL COUNCIL OF ATMAUTLUAK ADOPTS AS ITS CHARTER TO GOVERN THE UNIVERSAL DOCTRINE OF HUMAN RIGHTS AND THE CONVENTION ON THE PREVENTION AND THE PUNISHMENT OF THE CRIME OF GENOCIDE AND THE DECLARATION OF THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AS PUBLISHED BY THE UNITED NATIONS AND RATIFIED BY THE CONGRESS OF THE UNITED STATES,SIGNED BY THE CHIEF EXECUTIVE OFFICER OF THE UNITED STATES OF AMERICA.

SIGNED THIS DATE; JULY 23,1966

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK TRADITIONAL ELDERS TRIBAL COUNCIL
RESOLUTION #86-05

WHEREAS: THE TRADITIONAL TRIBAL GOVERNMENT OF ATMAUTLUAK IS RECOGNIZED BY THE GOVERNMENT OF THE UNITED STATES AS A TRIBAL GOVERNMENT PURSUANT TO 26 USC 7871 ET SEQ., AND

WHEREAS: THE BIOREGIONAL LINGUISTIC AREA AND ALL ITS RESOURCES ARE NECESSARY FOR THE PHYSICAL HEALTH AND WELLBEING OF THE YUPIC PEOPLE OF ATMAUTLUAK, AND

WHEREAS: THE SOVEREIGN PEOPLE OF THE TRIBAL GOVERNMENT OF ATMAUTLUAK CAN NO LONGER TOLERATE THIRD PARTY INTERFERENCE INTO ITS JUISDICTION BY THE DISCLAIMER STATE OF ALASKA AND/OR AGENTS OF THAT STATE IN THE FORM OF LIMITED LIABILITY CORPORATIONS OR MUNICIPAL OR BOROUGH GOVERNMENTS

THEREFORE BE IT RESOLVED THAT THE YUPIIT BOUNDARIES AS DEFINED THROUGH TRADITIONAL MARKERS AND THE JURISDICTIONAL BOUNDARIES OF THE U.S. GEOLOGICAL SURVEY MARKERS TO INCLUDE BUT NOT LIMITED TO ALL LANDS WATER AND RESOURCES DEFINED AS FOLLOWS;

Land and Water Jurisdiction Boundry

The point of beginning is NORTHWEAST corner of T22S,R10W,Kateel River Meridian,Alaska,Hence travelling South to SOUTHEAST corner of the T22S R10W,Hence travelling Westt to NORTHWEST corner of T23S,R10WW,Hence travelling South to SOUTHEAST corner of T24S,R11W,Hence travelling East to NORTHEAST corner of T25S,R11W,Hence travelling South to SOUTHEAST to corner of T25S,R11W,Hense travelling West to SOUTHWEST corner of T25S,R11W,Hence travelling SOUTHTO SOUTHEAST corner of T28S,R12W,Hence travelling West to NORTHEAST corner of T33N,R64W,Seward Meridian,Alaska,Hence travelling South to SOUTHEAST corner of T33N,R64W,Hence travelling West to NORTHEAST corner of T32N,R64W,Hence travelling South to SOUTHEAST corner of T29N,R64W,Hence travelling West to NORTHEAST corner of T28N,R64W,Hence travelling South to the SOUTHEAST corner of T25N R64W,Hence travelling East to NORTHEAST corner of T24N,R61W,Hence travelling South to SOUTHWEST corner of T23N,R60W,Hence travelling East to NORTHEAST corner of T22N,R59W,Hence travelling South to SOUTHWEST corner of T22N,R58W,Hence travelling East to SOUTHEAST corner of T22N,R54W,Hence travelling North to NORTHEASTcorner of T22N,54W,Hence travelling East to SOUTHEAST corner of T23N,R51W,Hence travelling North to SOUTHEAST corner of T24N,R51W,Hence travelling East to SOUTHWEST corner of T24N,R42W,Hence travelling South to SOUTHEAST corner of T23N,R42W,Hence travelling East to NORTHEAST corner of T22N,R25W,Hence travelling South to SOUTHEAST corner of T21N,R25W,Hence travelling West to NORTHEAST corner ofT20N,R27W,HENCE travelling South to SOUTHEAST corner of T17N,R27W,Hence travelling West to NORTHEAST corner of T16N,R28W,Hence travelling South to SOUTHEAST corner of T14N,R28W,Hence travelling West to NORTHEAST corner to T13N,R29W,Hence travelling South to SOUTHEAST corner of T13N,R29W,Hence travelling Easr to NORTHEAST corner of T12N,R29W,Hence travelling South to SOUTHEAST corner of T11N,R29W,Hence travelling West to NORTHEAST corner of T10N,R30W,Hence travelling South to SOUTHEAST corner ofT9N,R30,Hence travelling West to NORTHEAST corner of T8N,R31W,Hence travelling South to SOUTHEAST corner of T8N,R31W,Hence travelling West to NORTHEAST corner of T7N,R35W,Hence travelling South to SOUTHEAST corner of T5N,R35W,Hence travelling West to NORTHEAST corner of T4N,R36W,Hence travelling South to NORTHEASTcorner of T1N,R36W,Hence travelling East to NORTHEAST corner of T1N,R30W,Hence travelling South to SOUTHEAST corner of T1N,R30W,Hence travelling East to NORTHEAST corner of T1S,R30W,Hence travelling South to SOUTHEAST corner of T1S,R30W,Hence travelling East to NORTHEAST corner of T2S,R26W,Hence travelling South to SOUTHEAST corner of T4S,R26W,Hence travelling West to NORTHEAST corner of T5S,R27W, Hence travelling South to SOUTHEAST corner of T6S,R27W,Hence travelling West to NORTHEAST corner of T7S,R30W,Hence travelling South to SOUTHEAST corner of T8S,R30W,Hence travelling West to NORTHEAST corner ofT9S,R31W,Hence travelling South to SOUTHEAST corner of T12S,R31W,Hence travelling East to NORTHEAST corner of T13S,R31W Hence travelling South to SOUTHEAST corner of T14S,R30W,Hence travelling East to NORTHEAST corner of T15S,R25W, Hence travelling SOUTHWEST meandering said coast of Shelikof Straight to SOUTHWEST corner of T30S,R41W, Hence travelling North to NORTHEAST corner of T29S,R42W,Hence travelling West to SOUTHEAST corner of T28S,R42W,Hence travelling North to T27S,R42W Hence travelling West to NORTHWEST corner of T27S,R44W,hence travelling South to SOUTHEAST corner of T28S,45W,Hence travelling West to NORTHWEST corner of T29S,R46W,Hence travelling to South to SOUTHWEST corner of T29S,R46W,Hence travelling East to SOUTHEAST corner of T29S,R46W, Hence travelling South to SOUTHEAST corner of T30S,R46W,Hence travelling West to NORTHEAST corner of T31S,R48W,Hence travelling South to SOUTHEAST corner of T32S,R48W,HENCE travelling West to NORTEAST corner of T33S,R49W,Hence travelling West to NORTHEAST corner of T34S,R51W,Hence travelling South to SOUTHEAST corner of

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK TRADITIONAL ELDERS COUNCIL
RESOLUTION # 86-06

WHEREAS; 93-638 KNOWN AS THE INDIAN SELF DETERMINATION AND EDUCATIONAL ASSISTANCE ACT WAS PASSED IN 1975, AND

WHEREAS; PL 93-638 WAS INTENDED AS A COMMITMENT BY THE UNITED STATES AS A NATION TO THE PRINCIPAL THAT THE RELATIONSHIP IS ONE BETWEEN GOVERNMENTS, AND

WHEREAS; ONLY THE ATMAUTLUAK TRADITIONAL COUNCIL HAS THE AUTHORITY TO MAKE SELF DETERMINATION DECISIONS ON BEHALF OF THE TRIBE, AND

WHEREAS; THE CONGRESS FULLY ENDORSES THE PRINCIPAL OF TRIBAL SELF DETERMINATION AND SELF GOVERNMENT, AND

WHEREAS; THE INTENT OF CONGRESS IS TO ENCOURAGE THE RESTORATION OF TRIBAL AUTHORITY,POWER AND SOVEREIGNTY, AND

WHEREAS; THE EFFORTS OF THE ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS, ORUTSARARMUIT NATIVE COUNCIL, AND THE KUSKOKWIM NATIVE VALLEY ASSOCIATION UNDER STATE CHARTER OR OPERATING UNDER NO RECOGNIZED AUTHORITY, ARE RECEIVING FEDERAL FUNDS UNDER PL 93-638 TO IMPLEMENT PROGRAMS TO ASSIST IN ADMINISTRATING TRIBAL AND CONGRESSIONAL POLICY, AND

WHEREAS; THE PRESIDENT OF THE UNITED STATES ON JANUARY 24 1983 HAS REAFFIRMED THE POLICY COMMITMENT OF HIS OFFICE TO THE PRINCIPLES OF PL 93-638, AND

WHEREAS; THE ASSOCIATION OF VILLAGE PRESIDENTS,ORUTSARARMUIT NATIVE COUNCIL AND KUSKOKWIM VALLEY NATIVE ASSOCIATION HAVE BEEN ADMINISTRATING PROGRAMS THAT HAVE DETERIORATED TRIBAL SELF GOVERNMENT BY INCREASING RELIANCE ON WELFARE PROGRAMS AS DOCUMENTED BY THE INSTITUTE OF SOCIAL RESEARCH OF THE UNIVERSITY OF ALASKA IN A REPORT ENTITLED "POVERTY AND PUBLIC ASSISTANCE AMONG ALASKA NATIVES" DATED APRIL 25, 1986.

THEREFORE BE IT RESOLVED THAT THE TRADITIONAL COUNCIL OF ATMAUTLUAK ACTING IN ITS CAPACITY AS THE GOVERNING AUTHORITY OF ATMAUTLUAK AND RECOGNIZED BY THE GOVERNMENT OF THE UNITED STATES, REQUEST BY RESOLUTION A FULL GOVERNMENT ACCOUNTING OFFICE AUDIT AND INVESTIGATION OF THE COUNCIL OF VILLAGE PRESIDENTS, ORUTSARARMUIT NATIVE COUNCIL AND THE KUSKOKWIM VALLEY NATIVE ASSOCIATION UNDER PL 96-638.

BE IT FURTHER RESOLVED THAT THE GOVERNMENT ACCOUNTING OFFICE AUDIT CORRELATE THE EXPENDITURES TO THE INTENT OF CONGRESS IN ENACTING PL 93-638 AND THE PRESIDENTIAL POLICY STATEMENT OF JANUARY 24, 1983 FOR POSSIBLE FRAUD ON THE PART OF THE ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS,ORUTSARARMUIT NATIVE ASSOCIATION AND THE KUSKOKWIM VALLEY NATIVE ASSOCIATION AND THE POSSIBLE MALFEASANCE, MISFEASANCE OR MISPRISON OF OFFICE OF THOSE WHOSE OFFICE IS THE TRUST UNDER THE PROVISIONS OF PL 93-638.

PASSED UNANAMOUSLY ON SEPTEMBER 10TH 1986 BY THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL.

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK TRADITIONAL ELDERS COUNCIL
RESOLUTION # 86-07

WHEREAS; THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18,1971, P.L.92-203 (85 STAT 688) IS NOW AMENDED BY THE CONGRESS OF THE UNITED STATES, AND

WHEREAS; FEDERAL LAND POLICY AND MANAGEMENT ACT OF OCTOBER 21,1976. P.L. 94-579 (90 STAT 2734) AND THE NATIONAL INTEREST LANDS CONSERVATION ACT OF DECEMBER 2, 1980, P.L. 96-487 (94 STAT 2317) WILL BE EFFECTED BY THESE AMENDMENTS, AND

WHEREAS; THE CONFUSION OF THE APPLICATION OF PLENARY JURISDICTION BASED ON RECOGNITION OF SOVEREIGN AUTHORITY COULD CREATE IRREPAIRABLE DAMAGE TO THE SOVEREIGN INTEREST OF THE UNITED STATES AND THE TRIBAL MEMBERS OF THE TRADITIONAL TRIBES OF ALASKA, AND

WHEREAS; THE COVENANTS OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE TO THE DOCTRINE OF HUMAN RIGHTS WAS RATIFIED ON FEBRUARY 19, 1986 BY THE CONGRESS OF THE UNITED STATES THAT PROHIBITS BOTH THE CULTURAL AND ECONOMIC GENOCIDE BY THE UNITED STATES OR ITS AGENTS.

THEREFORE BE IT RESOLVED THAT THE TRADITIONAL ELDERS COUNCIL OF ATMAUTLUAK REQUEST OF THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES BY THIS RESOLUTION A 10 YEAR MORITORIUM ON THE IMPLEMENTATION OF ANCSA, ANILCA, AND FLPMA SO THAT THE CONGRESS OF THE UNITED STATES CAN FULLY REFLECT ON DAMAGES THAT WILL BE CAUSED BY THIS CONFUSION AND BRING THE LETTER AND THE INTENT OF THESE ACTS INTO CONFORMITY TO THE COVENANTS OF THE CONVENTION ON THE PREVENTION AND THE PUNISHNMENT OF THE CRIME OF GENOCIDE TO THE DOCTRINE OF HUMAN RIGHTS.

PASSED UNANAMOUSLY ON OCTOBER 6,1986 BY THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL.

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK TRADITIONAL ELDERS COUNCIL
RESOLUTION 86-08

WHEREAS; THE TRADITIONAL TRIBAL COUNCIL OF ATMAUTLUAK HAS NEVER CEDED ITS SOVEREIGN JURISDICTION BY WRITTEN RESOLUTION OR IMPLIED CONSENT, AND

WHEREAS; FULL LEGILATIVE,JUDICIAL AND ADMINISTRATIVE FUNCTIONS OF GOVERNMENT ARE WHOLLY VESTED IN THE ELDERS COUNCIL, AND

WHEREAS; THE ELDERS COUNCIL OF ATMAUTLUAK SETS POLICY BY CONSENSUS FOR THE ADMINISTRATION OF GOVERNMENT SERVICES TO THE SOVEREIGN MEMBERS OF THE TRIBE, AND

WHEREAS; THE TRADITIONAL TRIBAL COUNCIL OF ATMAUTLUAK HAS ADOPTED AND ADHERES TO THE UNIVERSAL DOCTRINE OF HUMAN RIGHTS, THE COVENANTS OF THE CONVENTION ON THE PREVENTION AND THE PUNISHMENT FOR THE CRIME OF GENOCIDE AND THE COVENANTS WHICH PREVENTS DISCRIMINATION AGAINST WOMEN, AND

WHEREAS; THE PLENARY POWERS VESTED IN THE ELDERS OF ATMAUTLUAK ARE NOW PROTECTED AND SECURED BY INTERNATIONAL LAWS,TREATIES AND CONGRESSIONAL ACTS OF THE UNITED STATES.

THEREFORE BE IT RESOLVED THAT THE TRADITIONAL COUNCIL OF ATMAUTLUAK REQUEST OF THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES GOVERNMENT TO INVOLVE THEMSELVES IN PROMULGATING ACTS OF RESTORATION, TO DISENGAGE IN ANY AND ALL DIRECT OR IMPLIED INTERFERENCE BY ITS AGENTS OR THIRD PARTIES THAT DIMINISH THE PLENARY POWERS OF THE SOVEREIGN TRIBAL ELDERS COUNCIL OF ATMAUTLUAK.

PASSED UNANAMOUSLY ON OCTOBER 6,1986 BY THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL.

ATMAUTLUAK TRADITIONAL COUNCIL
ATMAUTLUAK ALASKA 99559
RESOLUTION 86-09

WHEREAS; THE STATE OF ALASKA HAS CHOSEN TO DELAY AND/OR IMPEDE LAWFUL TRANSFER PAYMENTS TO THE TRADITIONAL TRIBAL GOVERNMENT OF ATMAUTLUAK, AND

WHEREAS; THESE DELAYS AND/OR IMPEDIMENTS ARE SUBJECTING THE SERVICES NORMALLY DEPENDENT ON THE UNITED STATES DOLLARS, FROM BEING DELIVERED BY THE TRADITIONAL TRIBAL GOVERNMENT OF ATMAUTLUAK TO ITS TRIBAL MEMBERS, AND

WHEREAS; THE SECURITY OF THE HEALTH AND WELL BEING,OF THE CITIZENS OF ATMAUTLUAK IS THREATENED BY THESE ACTIONS OF THE STATE OF ALASKA AND ITS AGENTS.

THEREFORE BE IT RESOLVED THAT,THE ELDERS OF THE TRADITIONAL TRIBAL COUNCIL OF ATMAUTLUAK REQUEST A GOVERNMENT TO GOVERNMENT INTERIM LOAN OF$500,000.00 (FIVE HUNDRED THOUSAND AND 00/100) FROM THE UNITED STATES SECURED BY THE FAITH AND CREDIT OF THE TRADITIONAL TRIBAL GOVERNMENT OF ATMAUTLUAK AND SECURED IN THE FORM OF A NO INTEREST BOND AND FURTHER SECURED BY GRANTING TO THE UNITED STATES,OR ITS AGENTS, THE FIRST RIGHT OF REFUSAL TO THE SURPLUS OF ITS RESOURCES UNTIL THE VALUE OF THE BONDED OBLIGATION IS MET.

BE IT FURTHER RESOLVED THAT, THE ELDERS OF THE TRADITIONAL COUNCIL OF THE TRIBAL GOVERNMENT OF ATMAUTLUAK AGREE TO BEAR THE STANDARD CONTRACRURAL COST ASSESED TO SUCH SOVEREIGN TO SOVEREIGN/GOVERNMENT TO GOVERNMENT LOANS.

PASSED THIS DAY OF DECEMBER 4,1986.

ATMAUTLUAK TRADITIONAL COUNCIL
ATMAUTLUAK ALASKA
RESOLUTION 86-10

WHEREAS; THE SOVEREIGN INDIGENOUS WOMEN OF THE ARCTIC (SIWA) HAS CHARTERED ITSELF UNDER THE UNITED NATIONS DOCTRINE OF HUMAN RIGHTS, THE CONVENTION ON THE PREVENTION AND THE PUNISHMENT OF THE CRIME OF GENOCIDE,AND THE DECLARATION OF THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AND,

WHEREAS; THE TRADITIONAL ELDERS COUNCIL OF ATMAUTLUAK HAS CHARTERED ITSELF UNDER THE SAME DOCTRINES,CONVENTIONS AND DECLARATIONS AND,

WHEREAS; THE SIWA IS COORDINATING "OPERATION BERRY LIFT" IN ORDER TO BRING SUBSISTANCE FOOD TO THOSE IN SAMI LAND WHO HAVE BEEN ADVERSLY AFFECTED BY THE CHERNOBYL NUCLEAR FALL OUT AND,

WHEREAS; THE TRADITIONAL ELDERS TRIBAL COUNCIL OF ATMAUTLUAK AGREES WITH THE PRINCIPLE AND OBJECTIVES OF THE SIWA IN THEIR REACTIONS TO THE CHERNOBYL NUCLEAR FALL OUT DISASTER.

BE IT RESOLVED THAT THE TRADITIONAL ELDERS TRIBAL COUNCIL OF ATMAUTLUAK MEETING IN FORMAL COUNCIL ON THIS DATE OF DEC. 4 1986 FULLY SUPPORTS THE SIWA IN ITS EFFORT AS DESIGNATED BY SIWA'S PRINTED ANNOUNCEMENT WHICH IS ATTACHED TO THIS RESOLUTION.

PASSED ON DECEMBER 4,1986

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK TRADITIONAL ELDERS COUNCIL
RESOLUTION #86-11

WHEREAS; THE ELDERS OF ATMAUTLUAK MEETING AS A COUNCIL ON JULY 23,1986 HAVE ASSERTED THIER SOVEREIGN JURISDICTION WITHIN THE BIOREGIONAL LINGUISTIC KINSHIP RELATED AREA AS DEFINED IN ATMAUTLUAK RESOLUTION 86-05, AND

WHEREAS; THIS ASSERTION INCLUDES A SUZERAIN TRUST RESPONSIBILITY FOR ALL LIVING NATURAL RESOURCES WITHIN THE BIOREGIONAL AREA AS DEFINED BY ATMAUTLUAK RESOLUTION 86-05, AND

WHEREAS; THE ELDERS OF ATMAUTLUAK MEETING ON THIS DATE OF NOVEMBER 18,1986 CAN NO LONGER TOLERATE THE GROSS MISMANAGEMENT AND CONFUSION BY AGENTS AND CONTRACTORS OF THE STATE IN THIER ATTEMPT TO REGULATE THE FISH AND GAME WITHIN THE AREA DEFINED BY ATMAUTLUAK RESOLUTION 86-05, AND

WHEREAS; THE ELDERS OF THE ATMAUTLUAK TRADITIONAL COUNCIL WHOSE CREDENTIALS IN YUPIC SCIENCE AND ITS APPLIED PHYSICS WHICH IS INCORPORATED IN THE YUPIC LANGUAGE HAVE SUCCESSFULLY SERVED THE YUPIC PEOPLE SINCE BEFORE RECORDED HISTORY, THEREFORE

BE IT RESOLVED THAT THE TRADITIONAL ELDERS COUNCIL AS OF THIS DATE NOVEMBER 18,1986 WILL COMMENCE PROMULGATING AND ENFORCING ITS REGULATIONS OVER THE FISH AND GAME RESOURCES WITHIN THE JURISDICTIONAL BOUNDRIES AS DESIGNATED BY RESOLUTION 86-05, AND

BE IT FURTHER RESOLVED THAT THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL REQUIRES OF THE UNITED STATES OF AMERICA FEDERAL ADMINISTRATION DIRECT ASSISTANCE IN THE ENFORCEMENT OF THE SOVEREIGN JURISDICTION OF ATMAUTLUAK BY HONORING ITS NATIONAL AND INTERNATIONAL COMMITMENTS TO THE YUPIIT PEOPLE AND OTHER CITIZENS WITHIN SAID BOUNDRIES OF JURISDICTION AS DEFINED BY RESOLUTION 86-05,AND

BE IT FURTHER RESOLVED THAT THE ELDERS OF ATMAUTLUAK TRADITIONAL COUNCIL,AS PAYMENT FOR THIS SECURITY PROTECTION,CONTRACT TO THE UNITED STATES THE FIRST RIGHT OF REFUSAL TO THE SURPLUS OF THE RESOURCES GAINED THROUGH THE MANAGEMENT EFFICIENCY DERIVED FROM THIS SECURITY PROTECTION,AND UNTIL SUCH TIME THAT THIS ARRANGEMENT NO LONGER SUITS THE MUTUAL INTEREST OF THE SOVEREIGN PARTIES INVOLVED,

BE IT FINALLY RESOLVED THAT THE ELDERS TRADITIONAL COUNCIL OF ATMAUTLUAK WILL MAINTAIN ITS SUZERAIN TRUST RESPONSIBILITY UNTIL THE ELDERS OF THE OTHER VILLAGES WITHIN THE JURISDICTION AS DEFINED IN RESOLUTION 86-05 INTEGRATE THIER SOVEREIGN ASSERTION IN A MANNER TO RELIEVE ATMAUTLUAK OF ITS SUZERAIN TRUST COMPATABLE TO THIER MUTUAL SECURITY.

PASSED UNANAMOUSLY ONDECEMBER 4,1986 BY THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL.

ATMAUTLUAK TRADITIONAL COUNCIL
ATMAUTLUAK ALASKA
RESOLUTION 86-12

BE IT RESOLVED THAT, THE TRADITIONAL ELDERS TRIBAL COUNCIL OF ATMAUTLUAK AUTHORIZES HAROLD C. OSTROSKY TO ACT AS ITS AGENT AND IN ITS BEHALF ENTER INTO PRELIMINARY CONTRACT NEGOTIATIONS AND EXECUTE NECESSARY LETTERS OF INTENT PUSUANT TO AND WITHIN THE SCOPE OF ATMAUTLUAK TRIBAL RESOLUTIONS DULY PASSED BY THE ELDERS TRIBAL COUNCIL OF ATMAUTLUAK.

BE IT FURTHER RESOLVED THAT,ANY AND ALL CONTRACTS OR REVISIONS REQUIRE THE REVIEW AND CONSENSUS ENDORSEMENT BY THE TRADITIONAL ELDERS TRIBAL COUNCIL OF ATMAUTLUAK.

PASSED THIS DAY OF DECEMBER 4, 1986.

ATMAUTLUAK TRADITIONAL COUNCIL
ATMAUTLUAK ALASKA
RESOLUTION 87-01

WHEREAS: THE UNITED STATES OF AMERICA HAS BECOME SIGNATORY TO THE INTERNATIONAL CONVENTION ON THE PREVENTION AND THE PUNISHMENT OF THE CRIME OF GENOCIDE:

WHEREAS: THEN ELDERS COUNCIL OF ATMAUTLUAK, THE GOVERNING AUTHORITY OF THE SOVEREIGN PEOPLE OF ATMAUTLUAK, DEEMS THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971 (U.S.PUBLIC LAW 92-203) GENOCIDAL;

WHEREAS: IT IS IN THE BEST INTEREST OF ATMAUTLUAK YUPIIT TO SEEK INTERNATIONAL PROTECTION THROUGH THE WORLD COURT ARRESTING THE GENOCIDAL ACTS OF THE UNITED STATES OF AMERICA TOWARD THE YUPIC;

THEREFORE,BE IT RESOLVED THAT THE ELDERS TRIBAL COUNCIL OF ATMAUTLUAK HEREBY PETITION THE WORLD COURT TO DO THE FOLLOWING :

1. RECEIVE AND HEAR THE CHARGE HEREBY BEING MADE THAT THE UNITED STATES IS COMMITTING ACTS OF GENOCIDE AGAINST THE YUPIC;

2. SUSPEND U.S. ADMINISTRATION IN THE YUPIC HOMELAND; AND

3. RECEIVE INTO VOLUNTARY CUSTODY THE YUPIC TO INSURE INTERNATIONAL ORDER UNDER THE DIRECT PROTECTION OF THE COURT AND THE UNITED NATIONS' GENERAL ASSEMBLY AND SECURITY COUNCIL UNTIL SUCH TIME AS THE PRESENT ISSUE IS RESOLVED.

PASSED THIS DAY OF FEBRUARY 10,1987

NATIVE VILLAGE OF ATMAUTLUAK
ATMAUTLUAK TRADITIONAL ELDERS COUNCIL
REOLUTION # 87-02

WHEREAS; PUBLIC LAW 83-280 AS AMENDED REQUIRES TRIBAL CONSENT IN ORDER FOR THE STATE OF ALASKA TO ASSERT JURISDICTION WITHIN TRIBAL JURISDICTION BOUNDRIES AND THIS CONSENT HAS NEVER BEEN GIVEN, AND

WHEREAS; ATMAUTLUAK TRADITIONAL COUNCIL IS RECOGNIZED AS A TRIBAL GOVERNING BODY UNDER 26 USC 7871 ET SEQ. BY FEDERAL AUTHORITY AND EXERCISE ALL POWERS AS DESIGNATED UNDER 26 USC 7871 ET SEQ. AND

NOW THEREFORE BE IT RESOLVED THAT ANY AGENT OR OFFICER IN THE EMPLOYMENT OF THE STATE OF ALASKA OR ADMINISTRATIVE SUBDIVISION CHARTERED BY THE STATE, WHEN IN THE JURISDICTION OF ATMAUTLUAK TRADITIONAL COUNCIL,REPORT ANY INFRACTION OF HUMAN RIGHTS TO THE ATMAUTLUAK TRADITIONAL COUNCIL TO DETERMINE THE COURSE OF ACTION TO BE FOLLOWED IN ORDER TO JUDICATE AND RESOLVE THE INFRACTION.

PASSED UNANAMOUSLY ON NOVEMBER 2,1987 BY THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL.

ATMAUTLUAK TRADITIONAL COUNCIL
ATMAUTLUAK ALASKA
RESOLUTION 87-03

RESOLVED THAT THE TRADITIONAL ELDERS COUNCIL OF ATMAUTLUAK AUTHORIZES ARCHIE GOTTSCHALK, DESA JACOBSSON AND DELICE CALCOTE TO ACT AS ITS AGENT AND IN IT'S BEHALF IN IMPLEMENTING THE PROVISIONS OF ATMAUTLUAK RESOLUTION 87-01 AND UNDER A GRANT OF SOVEREIGN IMMUNITY OF THE TRIBE WITHIN THE SCOPE OF ALL THE RESOLUTIONS PASSED BY THE TRADITIONAL ELDERS COUNCIL TO THIS DATE.

PASSED UNANAMOUSLY ON DECEMBER 1,1987 BY THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL

ATMAUTLUAK TRADITIONAL COUNCIL
ATMAUTLUAK ALASKA
RESOLUTION 87-04

WHEREAS; THE TRADITIONAL TRIBAL GOVERNMENT OF ATMAUTLUAK IS A FEDERALLY RECOGNIZED TRIBE PURSUANT TO 26 USC 7871 ET SEQ.AND

WHEREAS; THE SOVEREIGN PEOPLE OF THE TRIBAL GOVERNMENT OF ATMAUTLUAK RESOLVED THAT THEY CAN NO LONGER TOLERATE THIRD PARTY INTERFERENCE IN ITS JURISDICTION BY THE DISCLAIMER "STATE OF ALASKA",THE AGENTS OF THAT STATE IN THE FORM OF LIMITED LIABILITY CORPORATIONS OR MUNICIPAL OR BOROUGH GOVERNMENTS AND/OR THEIR LICENSED AGENTS, AND

WHEREAS; THE STATE CONSULTANTS IN THE FORM OF ATTORNEYS ,ANTHROPOLOGISTS, ACCOUNTANTS OR ADMINISTRATORS ARE INTERFERING IN THE JURISDICTION OF THE SOVEREIGN PEOPLE OF THE TRIBAL GOVERNMENTS AND

WHEREAS; THE MEMBER VILLAGES OF THE YUPIIT NATION MAY RESIGN AS PROVIDED IN ARTICLE 2. SECTION 4 OF THE BY LAWS OF THE YUPIIT NATION.

NOW THEREFORE BE IT RESOLVED THAT, THE TRADITIONAL TRIBAL GOVERNMENT OF ATMAUTLUAK RESIGN ITS MEMBERSHIP TO THE YUPIIT NATION ON THE DATE THAT THEIR DETERMINATION IS APPROVED,AND

BE IT FURTHER RESOLVED THAT, THE ATMAUTLUAK TRIBAL COUNCIL MAINTAIN ITS SUZERAIN TRUST RESPONSIBILITIES UNTIL THE ELDERS COUNCIL OF THEIR VILLAGES WITHIN THE JURISDICTION AS DEFINED IN RESOLUTION 86-05 INTERGRATE THEIR SOVEREIGN ASSERTIONS IN A MANNER TO RELIEVE ATMAUTLUAK OF ITS SUZERAIN TRUST, COMPATABLE TO THEIR MUTUAL SECURITY.

PASSED AMD APPROVED ON DECEMBER 1, 1987 BY THE ELDERS COUNCIL

ATMAUTLUAK TRADITIONAL COUNCIL
ATMAUTLUAK ALASKA
MERRY CHRISTMAS
RESOLUTION 87-05

WHEREAS; THE INTERNATIONAL CONVENTION ON THE PREVENTION AND PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE AND KNOWN IN ATMAUTLUAK AS THE ANTI-GENOCIDE TREATY,WAS RATIFIED BY CONGRESS OF THE UNITED STATES AND IMMEDIATELY SIGNED INTO LAW ON FEBRUARY 19,1986,AND

WHEREAS; THIS "ANTI-GENOCIDE TREATY" WHEN ATTACHED TO THE UNIVERSAL DECLARATION AND COVENENTS ON HUMAN RIGHTS AND REINFORCED BY THE DECLARATION OF THE ELIMINATION OF DICRIMINATION AGAINST WOMEN CONSTITUTES THE CHARTER OF THE ATMAUTLUAK TRADITIONAL TRIBAL COUNCIL,AND

WHEREAS; SENATOR WILLIAM PROXMIRE'S 20 YEARS CONCENTRATED EFFORTS ON BEHALF OF THE PASSAGE OF THE "ANTI-GENOCIDE TREATY" WAS ONE OF THE MAJOR SUSTAINING FORCES THAT LEAD TO ITS RATIFICATION,
AND

WHEREAS; THE PRESIDENT OF THE UNITED STATES RONALD W. REAGAN LED THE ADMINISTRATIONS EFFORTS ON BEHALF OF ITS RATIFICATION.

THEREFORE BE IT RESOLVED THAT,THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL GOES ON RECORD ON THIS 24TH DAY OF DECEMBER ON THE EVE OF THE BIRTH OF THE CHRISTIAN PRINCE OF PEACE TO HONOR AND COMMEND THE PERSONAL AND NOTABLE EFFORTS OF SENATOR WILLIAM PROXMIRE AND PRESIDENT RONALD W, REAGAN ON BEHALF OF THE RATIFICATION ON THIS INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE.

AND FURTHER RESOLVED THAT,THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL PLEDGES ITS FULL EFFORTS TO ASSIST THE GOVERNMENT OF THE PEOPLE OF THE UNITED STATES IN IMPLEMENTING THE PROVISIONS OF THIS CONVENTION TO BRING ITS ACTS,THE ACTS OF CONGRESS AND ADMINISTRATIVE POLICIES AND PROCEEDURES INTO CONFORMITY WITH THE PROVISIONS OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE.

AND BE IT FINALLY RESOLVED THAT THE ATMAUTLUAK DECLARATION THAT THE BASIC FUNDEMENTAL HUMAN RIGHTS ARE NOT NEGOTIABLE IS HERE BY REAFFIRMED AND THAT THE COUNCIL SET ASIDE DECEMBER 24TH, AS AN ANNUAL COMMEMORATION AND RAFFIRMATION DATE IN HONOR OF THOSE WHO SUBSCRIBE TO THE ENFORCEMENT OF THE UNIVERSAL DOCTRINE OF HUMAN RIGHTS AND ITS SPECIFIC PROVISION AGAINST THE ACTS OF GENOCIDE WHEREVER THEY MAY OCCUR.

PASSED UNANAMOUSLY AND SIGNED THIS 24TH DAY OF DECEMBER 1987.

ATMAUTLUAK TRADITIONAL COUNCIL
GENERAL DELIVERY
ATMAUTLUAK ALASKA 99559

RESOLTION 88-01

ATMAUTLUAK TRIBAL MEMBER JURY REJECTION

WHEREAS, The Traditional Elders Council of Atmautluak has a functioning court chartered under the doctrine as promulgated under Atmautluak Resolution 86-03, and

WHEREAS, The Sovereign Members of the Tribe residing in the jurisdictional boundaries as defined in Atmautluak Resolution 86-05 recognize that the only court of competent jurisdiction is the Traditional Elders Council of Atmautluak, and

WHEREAS, Individual Sovereign Members of Atmautluak Tribe are being harassed by functionaries of the state of Alaska and the United States Federal Court to serve as jury members in a court system that has no jurisdiction within the boundaries of Atmautluak Resolution 86-05.

Therefore be it resolved, the Atmautluak Traditional Elders Council register a formal complaint to those in charge of the State of Alaska and United States Court Systems to ceaseand desist notification of jury duty to thje Sovereign Tribal Members of the Yupik Community that reside within the Plenary Suzerain/Sovereign Jurisdiction as defined in Atmautluak Traditional Tribal Resolution 86-05 and published in the Tundra Times on September 22, 1986.

Approved this 28th day of January 1988.

ATMAUTLUAK TRADITIONAL COUNCIL
General Delivery
Atmautluak, Alaska 99559

RESOLUTION 88-02

PROTECTION SOVEREIGN TRIBAL MEMBERS RIGHTS

WHEREAS, The affirmation of Atmautlauk Sovereign Tribal Jurisdiction and its Plenary powers to regulate all of its resources have been acknowledged through Atmautluak Resolution 86-05 and 86-11 and

WHEREAS, The Atmautluak Traditional Elders Council sets policy concerning the Administration on these Plenary powers for its Sovereign Tribal Members to secure their Rights and Titles in the utilization of these resources.

Therefore be it resolved that, the Council will tolerate no interference by third party agents of the State or Federal Governments that interfere with the Subsistance use of resources by its Sovereign Tribal Members within the Suzerain/Sovereign Jurisdiction of Atmautluak, and

Be it further resolved that, any violations of Tribal Regulations or law be processed through the Traditional Elders Tribal Council of Atmautluak as stated in Atmautluak Tribal Council Resolution 87-02.

Approved on the 28th day of January 1988.

ATMAUTLUAK TRADITIONAL COUNCIL

REOLUTION 88-03

WHEREAS; THE ATMAUTLUAK ELDERS ACTING IN COUNCIL AS THE TRADITIONAL GOVERNMENT OF ATMAUTLUAK HAS ASSERTED FULL SOVEREIGN/SUZERAIN TRIBAL JURISDICTION WITHIN THE YUPIC BIOREGIONAL LINGUISTIC KINSHIP RELATED AREA AS DESIGNATED BY ATMAUTLUAK TRADITIONAL COUNCIL RESOLUTION 86-05, AND

WHEREAS; THE ATMAUTLUAK ELDERS ACTING IN COUNCIL AS THE TRADITIONAL GOVERNMENT OF ATMAUTLUAK HAS FURTHER ASSERTED ITS FULL SOVEREIGN AUTHORITY TO REGULATE THE ECONOMIC UTILIZATION OF ALL FISH AND GAME WITHIN THE YUPIK BIOREGIONAL AREA PURSUANT TO ATMAUTLUAK TRADITIONAL COUNCIL RESOLUTION 86-11,AND

WHEREAS; THE ATMAUTLUAK ELDERS ACTING IN COUNCIL AS THE TRADITIONAL GOVERNMENT OF ATMAUTLUAK HAS ASSUMED FULL SOVEREIGN TRIBAL JUDICIAL POWERS AS DEFINED IN ATMAUTLUAK TRADITIONAL COUNCIL RESOLUTION 87-02 AND RESOLUTION 88-02, NOW

THEREFORE BE IT RESOLVED THAT ATMAUTLUAK ELDERS SITTING IN COUNCIJL AS THE TRADITIONAL GOVERNMENT OF ATMAUTLUAK FULLY SUPPORT THE PROPOSAL OF THE ELDERS OF KWIGILLINGOK,KONGIGANAK,KIPNUK,TUNTATULIAK AND CHEFORNAK BY THIS RESOLUTION TO:

1. TO HUNT MIGRATORY BIRDS AND COLLECT EGGS AS BEFORE,YEAR TO YEAR.

2. SEND COPIES OF PROPOSAL TO ALL SORROUNDING VILLAGE.

3. IGNORE FISH AND WILDLIFE PROPOSAL.

4 DO NOT WANT FISH AND WILDLIFE SERVICE TO DISTURB THE WATERFOWL NESTING, BROOD REARING AND MOLTING AREA.

5. DO NOT WANT FISH AND WILDLIFE SERVICE TO USE AIRCRAFT,BOAT OR ANY OTHER MEANS TO DISTURB WATERFOWL AREA, INCLUDING HANDLING OF EGGS.

6. ALL VILLAGES WILL IGNORE ANY PROPOSAL ANY PAPERWORK,PROPOSAL AND FEDERAL REGULATIONS, AND

FURTHER RESOLVED THAT

THE ATMAUTLUAK TRADITIONAL COUNCIL REJECT THE PRESENT TREATY ON MIGRATORY WILDFOWL THAT WAS NEGOTIATED WITHOUT THE SOVEREIGN TRIBAL CONSRNT OF THE YUPIK PROPLE CONTRARY TO THE DOCTRINE OF HUMAN RIGHTS AND THE COVENANTS ON HUMAN RIGHTS ON THE PREVENTION AND THE PUNISHMENT OF THE CRIME OF GENOCIDE AS RATIFIED BY THE UNITED STATES ON FEBRUARY 19, 1986. AND

FINALLY RESOLVED THAT

UNTIL A PROPER TREATY IS NEGOTIATED WITH THE SOVEREIGN TRIBAL GOVERNMENT OF THE YUPIK DIRECTLY INVOLVED RECOGNIZING THE DOCTRINE OF TRIBAL CONSENT,THAT THE YUPIK EXCLUDE ALL EXCEPT YUPIK TRIBAL MEMBERS FROM PARTICIPATING IN HUNTING AND FISHING ALL SPECIES OF FISH AND WILDLIFE UNTIL THESE NONTRIBAL MEMBERS RESIDING WITHIN THE YUPIK BIOREGIONAL AREA OBTAIN A PROPER LICENSE AND AGREE TO ABIDE BY TRADITIONAL REGULATIONS WITHIN THE TRADITIONAL TRIBAL JURISDICTION OF THE VILLAGES AS RECOGNIZED BY THE UNITED STATESGOVERNMENT PURSUANT TO 26USC PART 305 SECTION 78771 ET SEQ.,25USC ETSEQ.ENTITLED "INDIANS" AND 43USC ET SEQ. TITLED PUBLIC LANDS AND THE SECURITY PROTECTION DERIVED UNDER INTERNATIONAL AND NATIONAL TRUST AGREEMENTS.

PASSED THIS 23RD DAY OF FEBRUARY 1988

ELDERS TRADITIONAL COUNCIL

ATMAUTLUAK TRADITIONAL COUMCIL
GENERAL DELIVERY
ATMAUTLUAK ALASKA 99559
(907-553-5610

RESOLUTION 88-06

WHEREAS, FUNDAMENTAL HUMAN RIGHTS ARE SACRED AND NOT NEGOTIABLE,AND

WHEREAS, YUPIC SOVEREIGNTY HAS REMAINED INTACT SINCE BEFORE WESTERN RECORDED HISTORY,AND

WHEREAS, THIS SOVEREIGNTY AND ITS SUZEREIGN TRUST HAS NOW GAINED ADDITIONAL SECURITY THROUGH THE UNIVERSAL DOCTRINE OF HUMAN RIGHTS, AND

WHEREAS, THE UNIVERSAL DOCTRINE RIGHTS HAS BEEN STRENGTHENED BY COVENANTS ON THE PREVENTION AND THE PUNISHMENT OF THE CRIME OF GENOCIDE WHICH WAS SIGNED AND RATIFIED BY THE UNITED STATES OF AMERICA ON FEB. 19, 1986,AND

WHEREAS, THE YUPIC PEOPLE HAVE TOLERATED PEACEFUL OCCUPATION OF THEIR HOMELAND BY MIGRANTS AND VICTIMS IN EXODUS FROM COLONIAL TYRANNY, AND

WHEREAS, THE YUPIC PEOPLE RESPECT THE DOCTRINE OF PRIOR USE AND OCCUPANCY AND THE HUMAN RIGHTS OF THESE MIGRANTS, AND

WHEREAS, THE RECENT ACTIONS OF BOTH THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS IN THEIR ALLOCATION OF "FISHING RIGHTS" AND MINERAL OIL LEASES IN THE BERING AND CHUCKCHI SEA VIOLATES YUPIC SOVEREIGNTY AND HUMAN RIGHTS,AND

WHEREAS, THESE ACTIONS ARE IN DIRECT VIOLATION OF INTERNATIONAL LAW AND UNITED NATIONS COVENANTS AND TREATIES, THEREFORE

BE IT RESOLVED THAT, THE YUPIC ELDERS COUNCIL OF ATMAUTLUAK ASSERT ITS SUZERAIN TRUST RESPONSIBILITY IN FORMALLY PROTESTING THIS COLONIAL INVASION OF THEIR HOMELAND BY THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS WHICH IS IN DIRECT VIOLATION OF THEIR PRONOUNCEMENTS AND SIGNED DECLARATIONS TO THE SECURITY AND PROTECTION OF SOVEREIGN HUMAN RIGHTS, AND

FURTHER RESOLVED THAT, ANY NEGOTIATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS THAT VIOLATE THE SOVEREIGN JURISDICTION OF THE YUPIC PEOPLE TO THE CONTINENTS OF ASIA AND NORTH AMERICA WITHIN THE CIRCUMPOLAR GIRDLE OF THE EARTH NORTH OF THE 60 DEGREE PARALLEL, CANNOT BE TOLERATED

BE IT FINALLY RESOLVED THAT, THIS FORMAL PEACEFULL PROTEST BE IMMEDIATLY TRANSMITTED TO THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE SECRETARY GENERAL OF THE UNION OF SOVIET SOCIALIST REPUBLICS SO THAT THE HUMAN RIGHTS OF THE YUPIC PEOPLE IN THEIR SUZERAIN PROTECTION OF BIOLOGICAL HABITAT IS NOT BROKERED TO LIMITED LIABILITY THIRD PARTY AGENTS OF THE GOVERNMENTS INVOLVED IN COLONIAL PENETRATION NORTH OF THE 60 DEGREE PARALLEL.

PASSED THIS 28TH DAY OF MAY, 1988.

ATMAUTLUAK TRADITIONAL COUNCIL
GENERAL DELIVERY
ATMAUTLUAK, ALASKA 99559
(907) 553-5610

FINDINGS OF FACT AND COURT DECISION OF TRADITIONAL ELDERS COURT OF ATMAUTLUAK

THE ATMAUTLUAK TRADITIONAL ELDERS COUNCIL ACTING AS TRIBAL COURT CONVENED AT 1PM IN ORDER TO HEAR FURTHER TESTIMONY CONCERNING THE COMPLAINT OF AMBROSE AGUCHAK AND EDWARD BERLIN AGAINST RON PERRY CONCERNING RON PERRY'S INTERFERENCE OF THEIR MOOSE HUNT ON THE AFTERNOON OF SEPTEMBER 10, 1987.

THIS INTERFERENCE RESULTED IN THE LOSS AND SPOILAGE OF 2,000 LBS. OF MOOSE MEAT, 3 DAYS OF TIME AWAY FROM THEIR NOMAL OCCUPATION AND TRAVEL EXPENSES TO PREVENT FURTHER INTERFERENCE.

RON PERRY WAS NOTIFIED OF THE COMPLAINT BY REGISTERED MAIL ON NOVEMBER 5, 1987 AND INSTRUCTED THAT A FURTHER HEARING ON THE COMPLAINT WOULD BE HELD AFTER 10 DAYS OF NOTIFICATION, IN ATMAUTLUAK ELDERS COURT.

RON PERRY WAS INFORMED BY TELEPHONE CONVERSATION ON THE AFTERNOON OF NOVEMBER 17, 1987 THAT THE HEARING WAS SCHEDULED FOR 1PM NOVEMBER 19, 1987 SO THAT HE COULD ATTEND THE HEARING AND GIVE TESTIMONY IN HIS BEHALF CONCERNING THE COMPLAINT. HE SAID THAT HE WAS REFUSING TO SUBMIT TO THE COMPLAINT IN THE ATMAUTLUAK TRIBAL COURT AND WAS INFORMED THAT THE HEARING WOULD PROCEED ON SCHEDULE.

THE COURT OPENED WITH A PRAYER BY ELDER ALEXIE MOCHIN SR. FOLLOWING THE PRAYER AMBROSE AGUCHAK AND EDWARD BERLIN REAFFIRMED THE CHARGES AND SUBMITTED A LIST OF DAMAGES AS FOLLOWS:

ESTIMATED WEIGHT OF 2 MOOSE, 2,000 LBS. AT REPLACEMENT VALUE OF $5. PER LB.
$10,000

3 DAYS EACH OF THE TIME AWAY FROM NORMAL ACTIVITIES AT $100 PER DAY.
AMBROSE AGUCHAK, EDWARD BERLIN, AND JOHN BERLIN 3 DAYS X 3 HUNTERS X $100 PER DAY.
$900

TRANSPORTATION COST FOR AMBROSE AGUCHAK AND EDWARD BERLIN $80. FOR A TOTAL OF
$10,980

AFTER REVIEWING THE DAMAGE COST THE COURT HAS APPROVED THEM IN FAVOR OF AMBROSE AGUCHAK AND EDWARD BERLIN. THE COURT HAS ALSO DETERMINED THAT DUE TO THE SPOILAGE OF THE MEAT AND AS A RESULT OF RON PERRY'S INTERFERENCE THE FURTHER JUGDEMENT OF THE COURT IS THAT RON PERRY SUBMIT TO 10 HOURS OF INSTRUCTION BY THE ELDERS COUNCIL OF ATMAUTLUAK SO THAT HE MAY RECOGNIZE THE JURISDICTIONAL BOUNDRIES OF ATMAUTLUAK PURSUANT TO RESOLUTION 86-05 AS PUBLISHED IN THE TUNDRA TIMES, SUPTEMBER 22, 1987 AND TO ACQUAINT HIM IN THE PROPER PROCEDURE IN PROCESSING COMPLAINT THAT HE MAY HAVE AGAINST TRIBAL MEMBERS WHEN IN THE ATMAUTLUAK JURISDICTION SO THAT HIS OFFENSE DOES NOT OCCUR AGAIN.

THE PAYMENT FOR THE MOOSE MEAT MAY BE MADE IN KIND OR IN CASH WHICH EVER IS MORE CONVIENIENT.

THIS COURT ORDER WILL BE SUBMITTED TO THE FEDERAL ATTORNEY LOCATED IN ANCHORAGE FOR PROPER SERVICE TO RON PERRY.

CHARLIE NICHOLAI   ALEXIE MOCHIN SR.   CARL WASKA

CC/WARREN SPAHN U.S. ATTORNEY
  AMBROSE AGUCHAK
  EDWARD BERLIN
  RON PERRY
INFORMATION COPIES TO:
  DEPARTMENT OF LAW STATE OF ALASKA BETHEL AND JUNEAU
  DEPARTMENT OF PUBLIC SAFETY STATE OF ALASKA BETHEL AND JUNEAU

ATMAUTLUAK TRADITIONAL COUNCIL
GENERAL DELIVERY
ATMAUTLUAK, ALASKA 99559
(907) 553-5610

TO: C.R. MC MAHON MAGISTRATE
BETHEL COURT

DEAR SIR,

THE COMPLAINT AGAINST AMBROSE AGUCHAK AND EDWARD BERLIN BY THE STATE OF ALASKA HAS ALREADY BEEN DISPOSED OF BY THE TRADITIONAL TRIBAL COURT OF ATMAUTLUAK WHICH IS THE ONLY COURT OF COMPETENT JURISDICTION WITHIN THE BIO-REGIONAL AREA AS DEFINED BY ATMAUTLUAK TRIBAL RESOLUTIONS 86-05, AND 87-02. (ENCLOSED)

THE FINDINGS OF FACT AND COURT DECISION OF NOVEMBER 19, 1987 IS ENCLOSED FOR YOUR INFORMATION. THE ELDERS TRIBAL COUNCIL OF ATMAUTLUAK CAN ONLY VIEW THE RECENT ARREST AND ARRAIGNMENT OF AMBROSE AGUCHAK WHO WAS RELEASED FROM YOUR CUSTODY ON APRIL 28, 1988 AS A GROSS VIOLATION OF HIS RIGHTS AS A YUPIC TRIBAL MEMBER. THE STATE AGENCIES AND AGENTS INVOLVED IN THIS HOSTILE ACT AGAINST AMBROSE AGUCHAK HAVE SUBJECTED THEMSELVES TO A CRIMINAL CAUSE OF ACTION BY AMBROSE AGUCHAK AND ARE IN DEFIANCE OF THE ATMAUTLUAK COURT DECISION ON NOVEMBER 19, 1987.

IF YOU CAREFULLY REVIEW THE FINDINGS OF FACT AND DECISION ENCLOSED YOUR PROPER COURSE OF ACTION WOULD HAVE BEEN TO ARREST RON PERRY AND DELIVER HIM TO ATMAUTLUAK FOR ENFORCEMENT OF THE ATMAUTLUAK COURT DECISION.

WE REALIZE THAT THE FEDERAL ATTORNEY'S FAILURE TO ACT IN THIS MATTER IS PUTTING UNDUE STRESS ON THE STATES ABILITY TO PROPERLY DISENGAGE FROM THESE VIOLENT ACTS OF THE STATE AGENCIES AGAINST THE SOVEREIGN YUPIC TRIBAL MEMBERS.

COPIES OF THIS CORRESPONDENCE ARE BEING SENT OR DELIVERED TO THE FEDERAL ATTORNEY MICHAEL SPAAN IN ANCHORAGE, STATE OF ALASKA DISTRICT ATTORNEY HERBERT SOLL IN BETHEL, AND CRISTINA BACH OF THE INTERGOVERNMENTAL AFFAIRS OF THE PRESIDENT IN WASHINGTON D.C. FOR THEIR INFORMATION AND INVOLVEMENT IN POSSIBLE FUTURE COURSE OF ACTION ON BE HALF OF AMBROSE AGUCHAK AND EDWARD BERLIN.

SINCERELY YOURS,
ARTHUR JENKINS, JIMMY NICHOLAI, CARL WASKA
TRADITIONAL,ELDERS TRIBAL COURT, ATMAUTLUAK, ALASKA

ATMAUTLUAK TRADITIONAL TRIBAL COUNCIL
ATMAUTLUAK ALASKA 99559
907-553-5610
JUNE 30, 1988

TO: JULIA ANDREW
NAPAKIAK ALASKA 99634

FROM: ATMAUTLUAK ELDERS TRIBAL COURT
ATMAUTLUAK ALASKA

DEAR MS. ANDREW:

THIS IS A SUMMONS FROM THE ATMAUTLUAK ELDERS TRIBAL COURT TO APPEAR BEFORE THE COURT ON JULY 11, 1988 AT 1PM, IN ATMAUTLUAK COMMUNITY BUILDING, TO ANSWER A COMPLAINT, BY ROBERT AYAGALARIA, CONCERNING YOUR CHARGES OF MISMANAGEMENT AND MISAPPROPRIATION OF FUNDS, REGARDING THE TRUST, IN BEHALF OF JASON AYAGALARIA, A MINOR, LIVING IN NAPAKIAK WITH HIS MATERNAL GRANDPARENTS, ISSAC AND MARY PAUL.

THE ASSERTION OF JUDICAL JURISDICTION IN THIS TRIBAL MATTER IS MADE PURSUANT TO ATMAUTLUALK RESOLUTIONS 86-05 AND 87-02.

SINCEREELY YOURS;

CHARLIE NICHOLAI
CHAIRMAN ATMAUTLUAK ELDERS COUNCIL

SUBSISTENCE ECONOMIC SYSTEMS

THE WORD "SUBSISTENCE" IS MEANINGLESS IF LEFT STANDING ALONE. IF USED AS AN ADJECTIVE IN DEFINING AN ECONOMIC SYSTEM THEN THE TERM "SUBSISTENCE ECONOMIC SYSTEM: MAKES SENSE.

IT IS NOW NECESSARY TO DEFINE "ECONOMIC AYATEM" SO THAT THERE IS NO ERRONEOUS PECONCEIVED IDEA OF WHAT WE ARE TALKING ABOUT. WHAT I MEAN BY AN ECONOMIC SYSTEM IS "THE ORGANIZED PRODUCTION AND DISTRIBUTION OF GOODS AND SERVICES TO PEOPLE SO THAT PEOPLE CAN SUBSIST OFF THE RESOURCES AVAILABLE TO THEM."

THE BASIS OF SUBSISTENCE ECONOMIC SYSTEMS IS CENTERED AROUND THE INDIVIDUAL. AS HE INTEGRATES HIS EFFORTS TO SUBSIST OFF OF THE RESOURCES WITH OTHER INDIVIDUALS INTO AN ORGANIZED FAMILY UNIT HE ARRIVES AT THE FIRST CIVILIZED COOPERATIVE INTERRELATIONSHIP CALLED A FAMILY SUBSISTENCE ECONOMICS SYSTEM.

THIS THEN EVOLVED INTO THE NEXT INTEGRATED STEP IDENTIFIED AS A REGIONAL SUBSISTENCE ECONOMICS SYSTEM WHICH COVERS A LARGER AREA AND THEN THROUGH EXPANDED ORGANIZATION MAKES MORE PRODUCTS AND SERVICED AVAILABLE TO THE INDIVIDUAL HUMAN BEINGS INVOLVED. THE SECURITY OF THIS LARGER SYSTEM IS DEPENDENT UPON A CIVILIZED DISTRIBUTION SYSTEM BASED ON COOPERATION AND NEED RATHER THAN THE BARBARIC DISTRIBUTION SYSTEM BASED ON COMPETITION AND GREED.

THE NEXT STEP IN THE INTEGRATION PROCESS IS INTO A CONTINENTAL SUBSISTENCE ECONOMIC SYSTEM WHJICH RESULTS FROM A COOPERATIVE FEDERATION BETWEEN REGIONS THAT INCREASES SUBSTANTIALLY THE VARIETY OF GOODS AND SERVICES AVAILABVLE TO THE INDIVIDUALS WITHIN THE LARGER ORGANIZATION.

THE LAST STEP WITHIN THE CONFINES OF THE ECOLOGICAL BANK OF ENERGY CALLED EARTH IS ORGANIZATION INTO AN INTERCONTINENTAL SUBSISTENCE ECONOMIC SYSTEM. THIS STEP REQURIES THE CIVILIZED COOPERATIVE DISTRIBUTION OF GOODS AND SERVICES BETWEEN DIVERSE BUT INTEGRATED CONTINENTAL GROUPS.

THE CONSTANT INDEX THROUGHOUT ALL THESE PHASES OF ORGANIZATIONAL DEVELOPMENT IS STILL THE HUMAN BEING.

THE RECOGNITION OF THE RIGHT OF SELF-DETERMINATION THAT EXISTS THROUGHOUT THE PROCESS TO THE INTERNATIONAL LEVEL IS FUNDAMENTAL AND GIVES THE FRANCHISE TO DEFINE THE COMMODITIES BOTH TANGIBLE AND INTANGIBLE THAT MAKE UP THE INDIVIDUAL'S ACCESS TO THE ECONOMIC SYSTEM. THSES RIGHTS ARE SECURED TO THE INDIVIDUAL BY HIS ACCEPTENCE OF HIS TRUST RESPONSIBILITY. THIS PUTS INTO CONTEXT THE PRIORITIES OF HIS ACCESS TO THE SYSTEM.

IN OTHER WORDS THE LARGER COMMUNITY PROTECTS INE INDIVIDUAL IN HIS ECONOMIC RIGHT TO RESOURCE. THE PRICE PAID BY THE INDIVIDUAL FOR HIS PROTECTION IS THE DISCHARGE OF HIS TRUST RESPONSIBILITY BACK TO THE COMMUNITY. THIS COMMUNITY CAN BE EITHER THE FAMILY, VILLAGE, REGION, CONTINENTAL OR INTER-CONTINENTAL OR COMBINATION OF ALL FIVE.

CONCENSUS ACCEPTANCE OF THIS CIVILIZED PRINCIPLE IS ESSENTIAL AS THIS CONSENSUS FORMWS THE BASIS FOR CONSTITUTIONSL ENCODING THAT HAS THE HIGHRST DEGREE OF SELF ENFORCEMENT WHICH DIMINISHES TRANSACTION COST, THUS RELEASING MORE GOODS AND SERVICES TO THE INDIVIDUAL WITHIN THE TOTAL SYSTEM OF ORGANIZATION.

IT IS INTERESTING TO NOTE THAT WHEN SUBSISTENCE IS ATTACHED TO THE TERM ECONOMIC SYSTEMS IT MEANS ALL THE GOODS AND SERVICES NECESSARY TO INCREASE THE SURVIVABILITY POTENTIA; OF THE HUMAN BEING.

SINCE HUMAN BEINGS DO NOT EXIST BY "BREAD ALONE" SUBSISTENCE ALSO INCLUDES THOSE INTANGIBLES OR METAPHYSICAL SERVICES THAT CONTRIBUTE AND IDENTIFY THE "CULTURE" AND "LIFE STYLES" OF THE VARIOUS INDIVIDUAL GROUPS WITHIN THE LARGER TOTAL GROUP.

THEREFORE THE ONLY ECONOMIC MODEL WHERE HUMAN BEINGS ARE THE INDEX OF THE SYSTEM IS THE SUBSISTENCE ECONOMIC SYSTEM.

THE MISUSE OF THE TERM "CASH ECONOMY" HAS TO BE ADDRESSED AND CLARIFIED AS THIS QUASI ECONOMIC SYSTEM IS OFTEN ESPOUSED AS A SUBSTITUTE FOR SUBSISTENCE ECONOMY.

FIRTS OF ALL, "CASH" IS NOTHING MORE THAN A DYNAMIC CREDIT ACCOUNTING TOOL USED TO INDICATE WHERE THE DEMAND WITHIN THE SYSTEM IS. DYNAMIC CASH ACCOUNTING CAN BE USED WITHIN SUBSISTENCE ECONOMIC SYSTEMS. AS LONG AS THE HUMAN BEING IS USED AS THE INDEX OF SUCCESS OR FAILURE THE TOOL IS USEFUL. ON THE OTHER HAND IF "INFLATABLE CASH" IS USED TO MANIPULATE DEMAND THEN YOU GET AN IMBALANCE THAT RESULTS IN A CAH INFLATABLE DEMAND SITUATION THAT WILL COLLAPSE THE SYSTEM BECAUSE THE TOOL NOW BECOMES THE INDEX INSTREAS OF THE HUMAN BEING.

THE CONCENTRATION OR BANKING OF "CASH" BECOMES A MEASURE OF EFFICIENT IS THE DISTRIBUTION WHERE HUMAN BEINGS ARE CONCERNED. CASH INFLATABLE DEMAND GIVES THE APPEARANCE OF WORKING IF THE DEMAND IS EVENLY BALANCED THROUGHOUT THE SYSTEM. HOWEVER AS THE ECONOMY "HEATS.UP" IMBALANCES ACCELERATE AND THE SYSTEM FAILS DUE TO THE DIMINISHED SUPPLY NECESSARY TO BALANCE THE INCREASED DEMANDS.

THE ABSURDITY REACHES A PEAK WHEN QUASI SUPPLY (FUTURES) IS USED TO SATISFY "QUASI DEMANDS" (INFLATABLE CASH) AND THE INDEX OF HUMAN BEINGS SACRIFICED IN AN ALICE IN WONDERLAND ABSURDITY CALL CASH ECONOMY.

IN CONCULSION THE DEFINITION OF THE SUBSISTENCE ECONOMIC SYSTEM HAS TO OCCUR AT THE VILLAGE LEVEL USING THE DOCTRINE OF SELF DETERMINATION IN MODELING ITS FORM. THIS REQUIRES:

(1) AN INVENTORY OF THE RESOURCES AVAILABLE WITHIN THE VILLAGE STRUCTURE.

(2) PRIORITIZING THESE RESOURCES BY THEIR RELATIVE IMPORTANCE AND ABUNDANCE TO SATISFY THE DEMANDS WITHIN THE COMMUNITY.

(3) DISIGNATION OF THE SURPLUS RESOURCES TO BE USED IN THE TRANSFER OR TRADE TO SATISFY DEMANDS TO OTHER VILLAGE SYSTEMS.

(4) DESIGNATION OF SURPLUS WITHIN THE REGION TO BE USED FOR TRANSFER OR TRADE TO A NATIONAL SYSTEM.

(5) DESIGATIONS OF SURPLUS WITHIN THE NATIONS SYSTEMS FOR TRANSFER OR TRADE IN TO AN INTERNATIONAL SYSTEM.

STATEMENT OF
TANANA CHIEFS CONFERENCE, INC.

Presented by

WILLARD MAYO
Special Assistant to the President and
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Tanana Chiefs Conference, Inc.
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before the
SELECT COMMITTEE ON INDIAN AFFAIRS
U.S. SENATE

HEARINGS
ON
THE INDIAN HEALTH SERVICES
ELIGIBILITY REGULATIONS
at
Anchorage, Alaska

September 2, 1988

We at the Tanana Chiefs Conference, Inc. do appreciate this opportunity to provide our comments on the issue of the planned changes to the IHS Eligibility Regulations as they affect the Alaska Native people. The Tanana Chiefs testimony will cover the following points:

1. TCC support for the delay in implementation
2. The defective IHS process
3. Improvement of the IHS input process
4. Problems with the IHS proposal
5. Summary

1. TCC Supports the Delay of Implementation

The Tanana Chiefs Conference is pleased with the delay in the planned implementation of the proposed regulation. This time is needed to pick up the tribal input process that the IHS had laid aside. The real danger for Alaska Natives lay in the time-bomb the new regs would have planted which would have done great harm to the emerging generations of our people.

2. The Defective IHS Process

When this process started with the IHS proposal to set blood quantum to determine who would receive health services they allowed a comment period. The tribes gave their comments and the IHS then redrafted their proposal radically to accommodate the tribal concerns that were expressed. The redraft was not given to the tribes for comment even though it contained many major changes to the first draft the IHS had written. This was their biggest mistake. If the IHS had closely worked with tribes and allowed adequate input in all phases of their effort then they would have avoided unnecessary delays. This led to the tribal out-cry against the proposed regulations. Any future process must be a joint effort.

3. Improvements of the IHS Input Process

Native Americans have grown weary of the constant unilateral processes that have not, in some cases, emerged into the twentieth century or even past the 1950's. We can deal with bad proposals only if given a reasonable chance. We cannot deal with a sleight-of-hand promulgation of regulations except to appeal to the Congress. It would be less troublesome if we could depend on the administrative branch to be open and up front in their total dealings. With this in mind we would like to have your assistance in putting in place a process to accomplish a clean, acceptable proposal for possible regulations. That is, a process which insures that all the tribes have an ongoing role in the work to develop the regulations. IHS should be willing to work with the tribes to draft mutually agreeable regulations utilizing a joint IHS/Tribal working group and a planned hearing schedule.

At any rate, we could benefit by agreeing to set up some kind of process to include IHS/Tribal cooperation in the regulation development. If this were to occur then we could avoid bad regulations brought about with apparent haste, the affect of which would cut-off large populations of Alaska Natives in the not too distant future.

4. Problems with the IHS Proposal

The current proposal would have the affect of making large numbers of Alaska Natives ineligible for health services. This is because most Alaska tribes do not have an enrollment. The IHS proposes to use the ANCSA rolls which would include Alaska Natives who were born before December 18, 1971 and their minor children. The problem is that when these children reach 19 they are no longer eligible for services unless they appear on a tribal enrollment of a federally recognized tribe. Another problem is that there are Alaska Natives who were not included in the ANCSA roll. They may be full-blooded Natives but not be eligible since they don't appear or any enrollments either tribal or ANCSA. In our region of Alaska we have 36 federally recognized tribes and none of them have a formal enrollment completed. Of these 36 tribes 23 of them have partially completed enrollments the rest have not started the process. That means that the minor children of the original ANCSA enrollees will lose out when they reach majority age because they cannot prove that they appear on a tribal membership roll. The ANCSA roll is a poor standard to set for eligibility determinations since it did not include all Alaska Natives and those who may inherit shares may not even be Natives at all. The clear basis for eligibility must rest with tribal enrollment and in Alaska we need help to get enrollments done.

Non-recognized Villages and Groups

Under the proposed regulations, eligibility requires enrollment into a recognized tribe. The Secretary of the Interior annually publishes a list of recognized tribal entities pursuant to 25 CFR 83.6. While the list relating to the Lower 48 tribes is fairly comprehensive, the list for Alaskan tribes has not yet been finalized and is the subject of some controversy. Specifically, within the Tanana Chiefs region the following villages which are considered to be tribes by the Tanana Chiefs Conference are not included on the list: Kaltag, Wiseman, Minchumina, and Canyon Village.

In the case of Kaltag, the village was recognized under the Alaska Native Claims Settlement Act (ANCSA) and is one of the oldest Athabascan villages in the Interior. Historically, the village has been documented as a place of continuous habitation and tribal relations since Russian involvement in the area. Nevertheless, Kaltag was omitted from the list of entities as a result of a bureaucratic confusion which occurred in Washington, D.C. between the villages of "Kaltag" and "Kalskag". Kaltag was omitted from the list because bureaucrats in Washington D.C. believed that its appearance on the list was the result of a typographical error and that the reference to "Kaltag" was a duplicate of a reference to "Kalskag". For several years now, the village has struggled to have its status recognized on the list. Both the agency and Juneau Area Office have reviewed the historical documentation provided by the village and recommended it to be included in the list. However, we have not as yet had a determination on this issue.

Two other groups recognized under ANCSA have been omitted from the list. These are Canyon Village and Minchumina. These villages qualified as groups under the Alaska Native Claims Settlement Act, or, as in the case of Minchumina, is involved in an appeal of its status as a group under the Alaska Native Claims Settlement Act. A "group" under ANCSA was merely a village of less than 25 people, which composed a majority of the residents in the group's locality. These groups should be included on the list.

Finally, within our region, the village of Wiseman has been excluded, which is comprised of 43 members as of 1971. This group was disqualified under the Claims Act because the majority of its members no longer resided in the village. However, the group continues to exist and conduct tribal relations with a recognized Chief and substantial political involvement in the Tanana Chiefs Conference and other inter-Native organizations. They continue to remain a distinct group separate from other tribal entities, and have not been assimilated into other tribal entities. Consequently, we believe that this village should also be included on the list of tribal entities.

We believe that if these villages are not included on the list, that approximately a little under 1,000 individuals could be arbitrarily eliminated from IHS services, despite the fact that they are historical tribes currently recognized by the Bureau of Indian Affairs and are receiving services on that basis. Thus, we recommend that the IHS regulations be delayed until the Bureau of Indian Affairs is able to conduct a comprehensive review of the list of recognized tribal entities in Alaska and publish a final list.

The new regulations would establish "Health Service Delivery Areas" which is a new residency requirement. This presents some problems for child placements where a child is from an area but was not resident there at the time the HSDA was established. The children were placed outside their HSDA and are therefore not eligible. This is not good for the tribe or the child who should have the opportunity to receive services until deciding whether or not to go for membership in their tribe upon reaching majority. These children should not be unilaterally deprived of the services by IHS.

Finally, the changes that would be required to accomplish transition and on-going implementation would place a significant burden on the contractors who must screen admissions and appointments. For this reason the Tanana Chiefs Conference can foresee the need for a full-time position on the staff to meet the requirements imposed. We would incur costs to accommodate the changes just as would the IHS if they operated our facility. We therefore request that funds be provided for implementation operation costs to contractors.

There are other problems with the proposed regs which are covered in a joint letter from the BIA and IHS in Alaska and a paper by the Alaska Native Health Board. I will attach those documents as support for this testimony as they do a good job of pointing out the issues.

5. Summary

The Tanana Chiefs Conference, Inc. favors the delay in the implementation of the proposed regulations by IHS. The process for tribal input and cooperation in developing the regs had been almost non-existent and needs to be improved by laying out an approach as soon as possible so that over the next year the IHS will work closely with the tribes on any changes there may be.

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February 25, 1988

Honorable Frank H. Murkowski
United States Senate
Washington, D.C. 20510

Dear Senator Murkowski:

Last month you sent me a copy of the December 28, 1987, correspondence you received from IHS Director Everett Rhoades regarding the new IHS eligibility regulations and their impact in Alaska. I write to respond on behalf of the Alaska Native Health Board and the Association of Regional Health Directors to a few of Dr. Rhoades' observations.

1. Tribal membership and ANCSA enrollment.

First, the Director's letter incorrectly implies that the prong of the eligibility test requiring membership in a federally-recognized tribe will not significantly affect eligibility for Alaska Native people. The Director supports this contention by pointing out that the regulations do not require formal membership rolls because IHS will recognize the "traditional processes of the tribe". See Sec. 36.16 (b)(1), 52 Fed. Reg. 35044, 35050 (Sept. 16, 1987). The Director also argues that, in any event, eligibility for Alaska Natives can be established by showing enrollment in an ANCSA village or regional corporation. Neither of these points is correct.

The Director's response reflects a plain misunderstanding of the unique tribal membership processes in Alaska. Section 36.16(b)(1) of the new regulations requires documentation that a

Dr. Rhoades' letter does not address the membership-documentation dilemma. For Alaska Natives whose only source of health care is IHS and IHS-funded services, the new eligibility rule is potentially devastating. IHS has estimated that within only 15 short years, the new regulations will have the effect of eliminating IHS services for almost 35% of the currently eligible population in Alaska: almost 30,000 people will be unable to secure adequate health care. The eligibility criteria will be a disaster.

2. The HSDA residency requirement.

Second, Dr. Rhoades' letter does not adequately answer the new problems created by the HSDA ("Health Services Delivery Area") residency requirements. The new regulations require residence in an HSDA in order to be eligible for both direct IHS and contract care services. Residence in any HSDA is sufficient for eligibility purposes, but the difficulty lies in the effect on otherwise eligible persons who live outside an HSDA.

For example, at present IHS direct care services are available to the many Alaska Natives who have never lived within an HSDA. These persons will become ineligible for all IHS care under the new regulations. Forcing such persons to relocate to an HSDA, to uproot their lives, so as to be eligible for IHS direct care cannot be justified. Nor can cutting them off be justified. The United States has a trust responsibility which cannot be so casually disregarded.

The Director's letter seeks to minimize the effect the HSDA residency requirement will have on Native children placed in foster care. The new regulations do provide an exception from the residency requirement for a child placed in foster care outside an HSDA, but only if the child was residing within an HSDA "at the time of the court order" placing the child in foster care. This limitation excludes from contract care services Native foster children who may have been taken from Alaska to some location outside an HSDA and then later placed in foster care. The regulations thus do not take account of this all-too-frequent scenario.

Dr. Rhoades' letter also reflects a lack of appreciation of the ambiguities created by the "intent" aspect of the HSDA residency requirement. The regulations provide no guidance whatsoever as to how one satisfies the requirement that a person not currently living in an HSDA have "formerly resided within" an HSDA in order to obtain IHS services. For example, if persons

IHS and BIA have unequivocally so stated in a severe critique recently forwarded to Headquarters. We enclose a copy of the executed "Memorandum of Joint Concerns of the Alaska Area Native Health Service and Juneau Area Bureau of Indian Affairs Related to Indian Health Service Eligibility Regulations." This Memorandum emphasizes that neither the IHS regulations nor the Director's letter reflects the unique situation of Native Americans and tribes in Alaska. The IHS Area Director and the BIA Area Director conclude in their critique that:

> the authors of the new regulation were not familiar with the differences between Alaska tribes/BIA relationships as opposed to the corresponding relationships between tribes and the BIA in the Lower 48 states. Since the new rules made no distinction between Alaska tribes and the Lower 48 tribes, it is felt that our Washington, D.C., counterparts did not participate in any joint discussion on the impact of the new rules.

Such a cavalier attitude toward 98,000 Alaska Native people is unacceptable.

Dr. Rhoades' letter cites the preamble of the new regulations to justify IHS' rejection of establishing separate eligibility requirements for any Area, but the rationale is simply conclusory rather than persuasive. The IHS and BIA Area Directors have determined that the regulations will immediately cut off approximately 12,300 (12.5%) of the currently eligible Alaska Native service population. As stated earlier, the Area Directors project that in 15 years, as children born after December 18, 1971, turn 19 years of age, the number of currently eligible persons in Alaska will be reduced by more than one-third. Given the drastic impact of these regulations on Alaska Natives, it is incomprehensible for the Department to refuse to formulate the regulations in a manner that is sensitive to Alaska circumstances.

The Alaska Native Health Board and the Association of Regional Health Directors are most concerned about the clear theme running through both the original proposed eligibility regulations and these final regulations: IHS is attempting to cut its costs at the expense of the health of the very people whom IHS is required to serve. ANHB and ARHD recognize that IHS has fiscal responsibilities, but just as a hospital with limited funds would not arbitrarily refuse care to one in three patients, IHS cannot be allowed to trim its budget with the wholesale denial of health care to one-third of the Alaska Native people.

Memorandum of Joint Concerns
of the
Alaska Area Native Health Service
and
Juneau Area Bureau of Indian Affairs
Related to
Indian Health Service Eligibility Regulations
Published
September 16, 1987

The new rules which have been published by the Indian Health Service (IHS) and which set forth new eligibility criteria are viewed by us as being potentially damaging to Alaska Natives. The rules require that an eligible person must be: (1) a member of a federally recognized Indian tribe; and (2) reside within a designated Health Service Delivery Area (HSDA); or (3) are not members of a federally recognized Indian tribe but are natural minor children (18 years old or under) of a member of a Federally recognized tribe and reside within a HSDA.

By the provisions of the regulations, the IHS recognizes two methods of certifying tribal membership. Either through documentation by an authorized tribal official or body -- or the certification of tribal enrollment by the Secretary of the Interior through the Bureau of Indian Affairs (BIA).

The definition of Indian Tribe set forth in the regulations reads "... including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act ..."

As advocates of the IHS mission to raise the health status of Indians and Alaska Natives to the highest possible level, we feel that it is fortunate that Congress took action in P.L. 100-202 to delay implementation of the new eligibility regulations as published in the Federal Register September 16, 1987. Our analysis, coupled with analyses by the BIA Alaska Area Office and the Alaska Native Health Board and its attorney have revealed several significant issues and problems raised or caused by these new regulations:

1. The Alaska Native Claims Settlement Act (ANCSA) Roll is not a tribal membership roll.

2. The ANCSA Roll does not list Alaska Natives who did not apply for enrollment, nor Alaska Natives who are less than 1/4 degree blood quantum, nor Alaska Natives who did not apply timely or complete all the proper paperwork in order to be determined eligible, and finally, the Roll does not include any Alaska Native born after December 18, 1971.

3. The ANCSA Village Corporations and Regional Corporations are not tribal governments and do not appear on the BIA's annual publication of federally recognized tribes.

4. There are approximately 33 Alaska tribes who are not formally recognized and who may or may not be seeking federal recognition.

We agree that Alaska Natives who are on the ANCSA Roll and who are members of non-federally recognized tribes could be certified for eligibility purposes because they are on the ANCSA Roll. BUT, those members of non-federally recognized tribes who are not on the ANCSA Roll would drop out of the eligibility criteria.

Under the current wording of the published rules, the BIA would not be able to certify any Alaska Native whose name does not appear on the ANCSA Roll. UNLESS an Alaska tribe has some form of an enrollment system enabling it to certify enrollment, the following classes of Alaska Natives would drop out of the eligibility category: 1) Alaska Native children born after December 18, 1971; 2) Natives who did not apply for enrollment to ANCSA; 3) Natives of less than 1/4 degree blood who were not eligible for ANCSA enrollment; and finally, 4) Those Natives who did not otherwise become enrolled because of untimely filing of applications, or whose applications lacked proper documentation.

We are also in agreement that those children who were adopted and who cannot identify their natural parents would still be ineligible under the current regulatory wording.

The final class of Alaska Native that is adversely affected are those Alaska Native children who were removed from Alaska and placed in foster care outside a HSDA.

Some mitigating measures that we considered and which we are here presenting for consideration are to recommend changes in the eligibility criteria language so that the Alaska Natives will not suffer disproportionately to the population of the Lower 48 tribes.

The language changes (capitalized below) would replace the present wording of 42 CFR Part 36.12 and would read as follows:

"(a) Subject to the requirements of this subpart, the Indian Health Service will provide direct services at its facilities, and contract health services, as medically indicated, and to the extent that funds and resources allocated to the particular Health Service Delivery Area permit, to persons of Indian or Alaska Native descent who:

(1) Are members of a federally recognized Indian tribe; OR

(2) WHO ARE ENROLLED TO ONE OF THE VILLAGE CORPORATIONS OR REGIONAL CORPORATIONS PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OR ARE A DESCENDANT OF AN ALASKA NATIVE WHO IS ENROLLED TO ONE OF THE VILLAGE CORPORATIONS OR REGIONAL CORPORATIONS, and

(3) Reside within a Health Service Delivery Area designated under 36.15; or

(4) Are not members of a federally recognized Indian Tribe but are the natural DESCENDANTS OF A MEMBER OF A FEDERALLY RECOGNIZED TRIBE OR THE DESCENDANTS OF AN ALASKA NATIVE ENROLLED TO ANCSA and reside within a designated Health Service Delivery Area designated under 36.15."

Again it must be emphasized such language would permit the ANCSA roll to continue to be used as a membership roll for the majority of Alaska Natives affected by

CENTRAL COUNCIL
tlingit and haida indian tribes of alaska
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TESTIMONY OF EDWARD K. THOMAS, PRESIDENT
CENTRAL COUNCIL OF TLINGIT & HAIDA INDIAN TRIBES OF ALASKA
TO
SENATOR DANIEL INOUYE, CHAIRMAN
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
SEPTEMBER 2, 1988
ANCHORAGE, ALASKA

HONORABLE SENATOR INOUYE, FELLOW TRIBAL OFFICIALS AND ADMINISTRATORS, AND OTHER HONORED GUESTS:

GREETINGS, MY NAME IS EDWARD K. THOMAS. I AM THE ELECTED PRESIDENT OF THE CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA, HEREAFTER REFERRED TO AS TLINGIT AND HAIDA.

TLINGIT AND HAIDA IS A FEDERALLY RECOGNIZED TRIBE WHICH GAINED RECOGNITION AS A FEDERALLY RECOGNIZED TRIBE THROUGH THE JURISDICTIONAL ACT OF 1935. MY TESTIMONY TODAY WILL BE ON THE PROPOSED ELIGIBILITY REQUIREMENTS RECOMMENDED BY INDIAN HEALTH SERVICE.

WHEN GOVERNMENTAL AGENCIES RECOMMEND CHANGES TO GUIDELINES AND POLICIES THAT AFFECT INDIAN PEOPLE AND ELIGIBILITY FOR SERVICES PROVIDED BECAUSE OF OUR STATUS AS INDIANS, IT CONCERNS US A GREAT DEAL.

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IN THIS PARTICULAR INSTANCE, WHERE THE IHS IS PROPOSING THAT IN ORDER TO BE ELIGIBLE FOR SERVICES YOU MUST BE A MEMBER OF A FEDERALLY RECOGNIZED TRIBE OR BE ABLE TO PROVE THAT YOU ARE 1/4 INDIAN, THIS DOES NOT IN ITSELF BOTHER TLINGIT AND HAIDA IF INTERPRETED IN THE TRUE SENSE OF THE WORD. HOWEVER, IT IS A CONCERN OF TLINGIT AND HAIDA, AS WE GO THROUGH THE PROCESS OF MODIFYING POLICY, THAT THE CREDITABILITY OF ALASKA TRIBES IS ONCE AGAIN PUT ON THE LINE.

AS WE OBSERVE THE PRINCIPLES UPON WHICH THE SUPREME COURT MAKES IT DECISIONS AS TO WHETHER OR NOT A TRIBE HAS ABROGATED ITS RIGHTS, WE FIND THAT THE COURT CONTINUOUSLY USES THE CANONS OF CONSTRUCTION IN INTERPRETING INDIAN LAW. IN SUCH CONSTRUCTION WE NOTE THAT THE CASE OF THE COUNTY OF OENIDA VS. OENIDA INDIAN NATION IS USED REPEATEDLY AS A PRECEDENCE, STATING THAT IN THE ABSENCE OF EXPLICIT STATUTORY LANGUAGE, INDIAN RIGHTS ARE NOT ABROGATED.

IN REVIEWING ACTS OF CONGRESS SINCE THE BEGINNING OF TIME IT IS NOT POSSIBLE TO FIND EXPLICIT LANGUAGE THAT HAS ABROGATED INDIAN RIGHTS IN ALASKA AS TRIBAL GOVERNMENTS. THERE HAS BEEN CERTAIN ABROGATION OF FISHING RIGHTS AS A RESULT OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT (ANCSA); HOWEVER, OTHER RIGHTS REMAIN INTACT IF WE USE THE PRINCIPLES OF CONSTRUCTION IN INDIAN LAW. IN FACT, OTHER LAWS SUCH AS THE INDIAN REORGANIZATION ACT, THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AND SIMILAR LAWS REINFORCE THE STATUS OF ALASKA NATIVES AS INDIAN TRIBES.

THEREFORE, ON BEHALF OF MY PEOPLE I RESPECTFULLY REQUEST THAT YOU, AS CHAIRMAN OF THE SENATE SELECT COMMITTEE, ADVOCATE ON OUR BEHALF FOR OUR CONTINUED RIGHTS AS INDIAN TRIBES AND FOR A CONTINUED STRONG GOVERNMENT-TO-GOVERNMENT RELATIONSHIP BETWEEN OUR TRIBAL GOVERNMENT AND THE GOVERNMENT OF THE UNITED STATES.

IF THE CHANGES TO THE ELIGIBILITY CRITERIA DO BECOME A REALITY IT IS TLINGIT AND HAIDA'S POSITION THAT ALL TRIBAL MEMBERS BE ELIGIBLE FOR SERVICES NOTWITHSTANDING THEIR DEGREE OF INDIAN BLOOD.

THIS IS OUR POSITION BECAUSE THE CONSTITUTION OF TLINGIT AND HAIDA EXPLICITY STATES THAT DESCENDANTS OF TLINGIT AND HAIDA PEOPLE ON OR BEFORE JUNE, 1935 ARE IN FACT ELIGIBLE TO BE MEMBERS OF OUR TRIBE. CENTRAL COUNCIL HAS A VERY AGGRESSIVE ENROLLMENT PROGRAM WHEREBY WE GO THROUGH A GREAT DEAL OF EFFORT TO EVALUATE APPLICANTS FOR TRIBAL MEMBERSHIP AND CERTIFY THEM IN A VERY ORDERLY AND THOROUGH PROCESS. TO DATE APPROXIMATELY 75% OF OUR TRIBAL MEMBERS ARE DULY ENROLLED AND CERTIFIED. IT IS OUR GOAL TO HAVE 100% OF THESE MEMBERS ENROLLED AND CERTIFIED WITHIN THE NEXT 2 YEARS.

IHS PROPOSES TO IMPLEMENT ITS ELIGIBILITY CRITERIA BY USING ANCSA ROLLS AS THE OFFICIAL TRIBAL ROLLS FOR ALASKA. I STRONGLY OBJECT TO THE UTILIZATION OF ANCSA ROLLS BECAUSE SUCH ROLLS WERE DISCONTINUED AFTER DECEMBER 19, 1971 MAKING IT DIFFICULT AND COST-PROHIBITIVE TO DETERMINE THE ELIGIBILITY OF ANYBODY WHO IS 16 YEARS OF AGE OR YOUNGER.

FURTHERMORE, VILLAGE AND REGIONAL CORPORATIONS FORMED UNDER ANCSA ARE INCORPORATED UNDER STATE LAW AND NOT FEDERAL LAW. AS WE DEVELOP POLICIES FOR THE FUTURE AND AS WE MAINTAIN OUR RELATIONSHIP TO THE FEDERAL GOVERNMENT IT IS NOT PROPER FOR A CORPORATION FORMED UNDER STATE LAW TO BE CHARGED WITH THE RESPONSIBILITIES OF DETERMINING MEMBERSHIP OF TRIBES FORMED UNDER FEDERAL LAW.

IF IN FACT IT BECOMES A REALITY THAT ONE MUST BELONG TO A FEDERALLY RECOGNIZED TRIBE IN ORDER TO GET SERVICES FROM IHS, I STRONGLY PETITION CONGRESS TO MAKE FUNDS AVAILABLE TO TRIBES TO MAINTAIN MEMBERSHIP ROLLS.

THE COSTS OF MAINTAINING MEMBERSHIP ROLLS IN A TRIBE THE SIZE OF TLINGIT AND HAIDA CENTRAL COUNCIL, WHICH HAS APPROXIMATELY 16,000 ENROLLED MEMBERS AND APPROXIMATELY 4- TO 5- THOUSAND MEMBERS WHO ARE NOT ENROLLED, IS IN THE NEIGHBORHOOD OF $35,000 PER YEAR. A SMALLER VILLAGE COUNCIL FORMED UNDER THE INDIAN REORGANIZATION ACT WITH A VERY SMALL MEMBERSHIP CAN MAINTAIN ENROLLMENT RECORDS SLIGHTLY CHEAPER. HOWEVER, THESE SMALL VILLAGES OFTENTIMES HAVE A DIFFICULT TIME MAINTAINING OFFICES WHEREBY SUCH RECORDS CAN BE KEPT, BECAUSE FEDERAL FUNDS ARE LESS AVAILABLE TO SMALLER TRIBES.

FURTHERMORE, I FEEL THAT IF FUNDS ARE MADE AVAILABLE SUCH FUNDS SHOULD BE ALLOCATED REGIONALLY BASED ON POPULATION AND COORDINATED THROUGH THE 12 REGIONAL NONPROFIT ORGANIZATIONS IN THE

STATE OF ALASKA CHARGED WITH THE RESPONSIBILITY OF WORKING CLOSELY WITH THE IRA COUNCILS AT THE VILLAGE LEVEL.

I ALSO FEEL STRONGLY THAT IHS NEEDS TO SET UP WITHIN ITS OFFICE A CLEARING HOUSE FOR THE MAINTENANCE OF ALL TRIBAL ROLLS IN ALASKA, WITH SUCH ROLLS UPGRADED ON A SEMIANNUAL BASIS.

I REALIZE WHY IHS AND CONGRESS, AS WELL AS THE OFFICE OF MANAGEMENT & BUDGET, ARE INTERESTED IN REDUCING THE NUMBERS OF ELIGIBLE INDIAN CLIENTS. HOWEVER, WE MUST BE CAREFUL NOT TO CHANGE FEDERAL POLICY AND THE RELATIONSHIP OF INDIAN TRIBES TO CONGRESS WHILE TRYING TO ADDRESS FISCAL PROBLEMS.

FIRST, I THINK CONGRESS NEEDS TO INSIST THAT IHS STREAMLINE ITS ADMINISTRATION TO THE POINT WHEREBY UNNECESSARY ADMINISTRATIVE POSITIONS ARE REDUCED, AND THE SAVINGS FROM SUCH REDUCTIONS OF ADMINISTRATION PUT INTO THE SERVICES PART OF INDIAN HEALTH SERVICE.

SECOND, I FEEL THAT MORE MUST BE DONE TO TAKE ADVANTAGE OF EXISTING HEALTH INSURANCE POLICIES TO ALLOW THE PAYMENT OF MEDICAL BILLS THROUGH HEALTH INSURANCE PROGRAMS AS A COMPLEMENT TO COSTS OF PROVIDING REGULAR SERVICES TO TRIBAL MEMBERS. THE WAY I ENVISION THIS IS THAT IHS WOULD PROVIDE THE SERVICES AND PAY FOR THE SERVICES OF THE BENEFICIARY UP TO THE POINT OF THE "DEDUCTIBLE" OF EACH HEALTH CARE PLAN. THEREAFTER ALL EXPENSES FOR MEDICAL CARE WOULD BE CHARGED TO THE INSURANCE COMPANY. SUCH FUNDS COLLECTED UP TO THE "DEDUCTIBLE" WOULD REMAIN IN THAT

FACILITY TO UPGRADE THE FACILITY OR ADD MORE MEDICAL STAFF DEPENDING UPON THE NEEDS OF THE FUTURE.

THIRD, I THINK THAT THE FEDERAL GOVERNMENT SHOULD TARGET AREAS OF REDUCTION OTHER THAN INDIAN HEALTH SERVICE, SIMPLY BECAUSE THE AVAILABLE HEALTH SERVICES TO INDIAN PEOPLE ARE LESS THAN THOSE AVAILABLE TO OTHER POPULATIONS OF OUR COUNTRY. THE MORTALITY RATE OF OUR INDIAN PEOPLE IS MUCH HIGHER THAN THE AVERAGE AMERICAN. THE LIFE EXPECTANCY OF INDIAN PEOPLE IS MUCH LOWER THAN THE NATIONAL AVERAGE. INSTEAD OF TRYING TO CUT SERVICES TO INDIAN PEOPLE, CONGRESS SHOULD BE TRYING TO INCREASE THE AVAILABILITY OF HEALTH CARE TO INDIAN PEOPLE BECAUSE OF THIS GREAT DISPARITY.

IN CLOSING, I THANK YOU FOR THE OPPORTUNITY TO PROVIDE MY TESTIMONY TO YOU ON BEHALF OF THE TLINGIT AND HAIDA PEOPLE. WE ARE HONORED THAT YOU HAVE COME TO OUR STATE TO HEAR OUR PROBLEMS AND CONCERNS. IF THERE IS ANYTHING ELSE WE CAN DO TO CLARIFY OUR CONCERNS OR TO MAKE YOUR STAY IN ALASKA MORE REWARDING, PLEASE DO NOT HESITATE TO CALL UPON US.

THANK YOU AND HAVE A GOOD DAY.

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Testimony on IHS Eligibility Requirements
Senate Select Committee on Indian Affairs
September 2, 1988
Anchorage, Alaska

By: Margaret Roberts
Chairperson, Kodiak Area Native Association
President, Kodiak Tribal Council

Mr. Chairman and members of the Committee, my name is Margaret Roberts. I am here today as Chairperson of the Kodiak Area Native Association (KANA), an association of the seven tribes on Kodiak Island, and as President of the Kodiak Tribal Council, the tribal government of the Shoonag' Tribe of the town of Kodiak. I would first like to thank you for allowing me to testify at these hearings. I also would like to request the inclusion in the record of a written statement which is more comprehensive than what I will say today.

We in Kodiak have a number of concerns about the proposed Indian Health Service (IHS) eligibility requirements, due mostly to the fact that the requirements and their implementation seem to be designed more to eliminate as many Alaska Natives as possible from eligibility for services than to ensure that those entitled to services receive them. Given the federal government's trust responsibility towards Alaska Natives, ensuring that those entitled to services receive them should be paramount.

This can be accomplished by taking several actions. Alaska tribes should be provided with additional financial and technical assistance to implement enrollment of members. The Bureau of Indian Affairs (BIA) should be provided with additional funding to deal with the increased demand being placed on it by tribes which are trying to enroll members for the first time. Implementation of eligibility requirements should be delayed until it is determined that tribes have been able to adequately deal with enrollment of members, rather than just setting an arbitrary date for implementation. However the main point I want to make today is that implementation should be delayed until the BIA has adequately addressed the issue of the 33 tribes in Alaska which have not been included on the BIA's list of recognized Indian tribes.

In 1982 and 1986 the BIA published lists of Indian tribes recognized as eligible for services from the BIA. The lists included some 197 tribes in Alaska but inexplicably left off the Shoonag' Tribe and 32 other Alaska Tribes.

The BIA has offered no explanation as to why we were not included. Present and former BIA officials cite no reason for our exclusion. In fact the BIA Juneau Area Office had recommended our inclusion on the original list. It could simply have been an administrative oversight or typographical error. Nevertheless the BIA has refused to add us to the list. This is inspite of the fact that we were sufficiently recognized by Congress in the Alaska Native Land Claims Settlement Act of 1971 (ANCSA) to extinguish our aboriginal rights, rights which by definition are tribal and not individual. In addition the Administration for Native Americans (ANA) of the U.S. Department of Health and Human Services--has for years recognized us for contracting purposes. The BIA itself recognized us as an eligible tribe for 638 contracting until recently.

A wealth of historical evidence clearly supports our inclusion on the list. Archaeological evidence shows that the area of the present town of Kodiak has been occupied for thousands of years. Russian censuses dating back to the Civil War and American censuses up until just before World War II show Kodiak to have been a mostly Native settlement. In 1897 a reservation was established in Kodiak by Executive Order of the President. (At that time you'll recall Congress no longer made treaties with tribes and executive orders were the means by which all reservations were established). In the 1930's the tribe worked with the BIA on organizing under the Indian Reorganization Act (IRA) but eventually chose to continue with a traditional government. And again the tribe was recognized under the Alaska Native Claim Settlement Act. Yet the BIA still will not include the Shoonag' Tribe on the list of recognized tribes.

As a matter of law and policy this situation is simply wrong. You can not have it both ways. You can not on one hand have Congress recognize us to extinguish our aboriginal rights and on the other hand have the BIA refuse for no reason to recognize us as eligible for services. You can not have the BIA on one hand recognize 197 Alaska tribes and on the other hand refuse for no reason to recognize us and 32 other Alaska tribes in the same position as the 197 tribes. And while different departments and different programs may have differing eligibility requirements, simply as a matter of good policy there should be articulated reasons for those differences and as a matter of law those reasons should be applied across the board for all tribes.

They should not depend on an " arbitrary and capricious " listing of tribes.

The position of KANA and the Kodiak Tribal Council is that IHS's eligibility requirements should not be implemented until the BIA adds Shoonag' and the 32 other excluded tribes or provides adequate rationale for their exclusion. The burden of establishing federal recognition for our tribes should not be placed on our individual members. They do not have the resources to do so and dealing with all their claims would place an incredible burden on IHS, the BIA and the courts. Yet placing the burden on our members is exactly what will happen if these requirements are implemented. Thousands of Alaska Natives will become ineligible for medical services they can obtain no other way. Such a situation will be fatal for many.

In conclusion we request that Congress give the BIA a deadline by which the BIA must justify to Congress why the Shoonag' Tribe and each of the 32 other Alaska Tribes is not included on the list of recognized tribes or Shoonag' and the 32 other tribes will automatically become recognized.

Again I would like to thank you for allowing me to testify and thank you Mr. Chairman for agreeing to visit our island. I know that with your help and that of the Committee we can ensure the continued survival of the Shoonag' Tribe and the health of our people.

ADVANCE PREPARED STATEMENT OF THE TESTIMONY OF

MS. RINNA E. MERCULIEFF
EXECUTIVE DIRECTOR
SOUTHCENTRAL FOUNDATION
ANCHORAGE, ALASKA

September 2, 1988

Mr. Chairman, I appreciate the opportunity to offer testimony on the issue of Indian Health Service eligibility regulations, and, respecting your limited time, I will keep my comments succinct and to the point.

I am the Executive Director of Southcentral Foundation, the Regional Native Non-profit Health Corporation serving Alaska's most densely populated area, Anchorage, the Matanuska-Susitna Valley, and areas of the Kenai Peninsula. Southcentral Foundation serves under the tribal authority of the Cook Inlet Region, Inc., an ANCSA corporation. Southcentral Foundation offers a wide range of services, funded primarily by the Indian Health Service, which include optometry, dentistry, community injury control, substance abuse prevention and intervention, fetal alcohol syndrome screening, mental health, emergency medical services, community health aide, and community health representative programs. Southcentral Foundation serves several thousand clients each year in our service region.

Southcentral Foundation, as represented by its Board of Directors and its staff, is concerned about the proposed changes in eligibility for Indian Health Service services. The issue is exceedingly complex, as it applies to Alaska. Obviously, the aborted attempt to shift eligibility from a political to a racial basis, by requiring a minimum proportion of a Native race, was unconstitutional. But its replacement, requiring enrollment in a "tribe" that is recognized by the Department of the Interior, though not as blatantly discriminatory, may be subtly disastrous for Alaska Natives.

First of all, there is a fundamental flaw in the proposed eligibility changes: A number of villages in Alaska are not recognized by the Department of the Interior, and, even if they were to establish tribal rolls, membership simply would not "count" anyway. Three such villages are within the region that

Southcentral Foundation serves, Ninilchik, Salamatoff, and Seldovia. Although the Alaska Area Office of the BIA asked the Department to acknowledge Ninilchik, Salamatoff, and Seldovia years ago, that has never happened. All the Native residents of these villages stand to lose their access to IHS services if the eligibility changes are made.

Second, even in those villages that are acknowledged by the Department of the Interior, tribal rolls have not been established. Fiscal resources are not available to the traditional and IRA governments of the villages to enable them to complete the lengthy and complicated procedures that must be accomplished for the establishment of rolls. Although there is little doubt that enrollment should ultimately be completed, the work will take money and time.

Third, in many respects, Anchorage resembles Seattle, Minneapolis, and other urban areas that have discernible "Urban Indian" problems, and, as the population of Alaska shifts -- with more village Natives relocating to Anchorage because of slightly improved economic opportunities -- the problems will continue to grow. Given the unique situation that is Alaska, we are not eligible for urban Indian funding, and we must handle the problems as a tribal program, but we do not have the capability to enroll members as a tribe, due, once again to the unique Alaska situation.

Yes, this is confusing, but the confusion will turn to chaos if the IHS eligibility requirements limit services to tribal enrollees, because few of Anchorage's Natives are enrolled to any tribe. Not only have many come from villages with no tribal rolls, many more represent the second and third generations of Native families that settled in the Anchorage bowl and that have no immediate ties to a discernible "tribe," as that term is used in the proposed IHS eligibility regulations. Although the tribal authority, the Cook Inlet Region, Inc., can and does receive funds from the Bureau of Indian Affairs, it is not a tribal government per se and cannot enroll members. This peculiarity of the post-ANCSA situation in Alaska puts all of the Anchorage Natives at risk of losing their status as beneficiaries of IHS services, if the eligibility changes are implemented.

In all, estimates are that over 12,000 will lose IHS services in Alaska, if the IHS does impose these changes. Many reside in the Anchorage area. The proposed changes are unfair to Alaska-Natives and should not be implemented.

NORTON SOUND
HEALTH CORPORATION

P.O. BOX 966
NOME, ALASKA 99762
(907) 443-3311

HONORABLE SENATOR INOYUE:

I AM PLEASED TO BE ABLE TO OFFER TESTIMONY ON BEHALF OF THE 8,000 RESIDENTS OF THE BERING STRAITS REGION OF NORTHWEST ALASKA. MY NAME IS JOHN JEMEWOUK, I AM PRESIDENT OF NORTON SOUND HEALTH CORPORATION AND I RESIDE IN ELIM, ALASKA - A SMALL VILLAGE JUST SOUTH OF NOME.

I WILL NOT READ MY WRITTEN TESTIMONY VERBATIM BUT INSTEAD I WOULD LIKE TO TAKE THIS OPPORTUNITY TO HIGHLIGHT AND EXPAND ON OUR CONCERNS REGARDING INDIAN ELIGIBILITY FOR NATIVE HEALTH SERVICES. I MUST, HOWEVER, RESTATE FOR THE RECORD THAT THE NORTON SOUND HEALTH CORPORATION BOARD OF DIRECTORS, AS REPRESENTATIVES OF THE IRA TRIBAL GOVERNMENTS IN THE BERING STRAIT REGION, STRONGLY OBJECT TO THE REGULATIONS CONTAINED IN 42 CFR, PART 36, OF THE FEDERAL REGISTER.

THERE ARE MANY REASONS WHICH WE HAVE LISTED FOR THIS OBJECTION; SUFFICE IT TO SAY WE FEEL THAT NEITHER THE FEDERAL GOVERNMENT NOR THE TRIBAL GOVERNMENTS ARE, IN ANY WAY, SHAPE OR FORM, PREPARED TO IMPLEMENT ANY ELIGIBILITY

"Serving the communities of: Brevig Mission, Council, Diomede, Elim, Gambell, Golovin, Koyuk, Nome, St. Michael, Savoonga, Shaktoolik, Shishmaref, Stebbins, Teller, Unalakleet, Wales, White Mountain."

REGISTRATION SYSTEM WHICH WOULD FAIRLY CAPTURE ALL THE 80,900 NATIVES IN ALASKA.

FIRST IS THE ISSUE OF TIME. WHILE WE COMMEND CONGRESS FOR RECOMMENDING A ONE YEAR DELAY IN IMPLEMENTING THESE REGULATIONS, WE FEEL STRONGLY THAT ONE YEAR IS NOT ENOUGH. AT THE LAST IHS NATIONAL MEETING IN NASHVILLE, IHS DIRECTOR, DR. EVERETT RHOADES, TALKED ABOUT MEANINGFUL CONSULTATION WITH TRIBES ACROSS AMERICA. ONE CANNOT HAVE MEANINGFUL CONSULTATION WITHOUT FULL DISCLOSURE OF THE ISSUES, REVIEW OF OPTIONS/NEW IDEAS AND A REGATHERING TO OBTAIN CONSENSUS - IF ONE IS POSSIBLE. I CONTEND THAT ONE YEAR IS NOT ADEQUATE TO SUCCESSFULLY CARRY OUT THIS PROCESS. WE ARE LOOKING AT.... AT LEAST 3-5 YEARS....TAKE AS AN EXAMPLE THE LENGTH OF TIME IT TOOK TO PROVIDE AN UNDERSTANDING OF ANCSA TO OUR PEOPLE - IT IS NOT AN EASY OR QUICK PROCESS.

SECOND IS THE ISSUE OF MONEY....MONEY TO EDUCATE VILLAGE MEMBERS ON THE ISSUE, MONEY TO BRING PEOPLE TOGETHER TO DISCUSS IDEAS AND OPTIONS, AND FINALLY MONEY NEEDED TO IMPLEMENT A REGISTRATION SYSTEM IF ONE IS MANDATED. WILL THESE FUNDS COME OUT OF PATIENT CARE FUNDS? AT NSHC WE HAVE SOUGHT MAXIMUM RESOURCES OVER AND BEYOND THAT WHICH IHS PROVIDES THROUGH OUR 638 CONTRACT, JUST TO PROVIDE THE BASIC SERVICES TO OUR PEOPLE. EVEN AS I SPEAK, THERE ARE NATIVE PATIENTS WHO CANNOT GET HEALTH CARE THAT WE PROVIDE AT THE NOME HOSPITAL BECAUSE WE DO NOT HAVE THE TRAVEL

MONEY TO HELP THEM COME IN FOR NEEDED TREATMENT. SHOULD WE TELL THEM THAT THERE WILL BE EVEN LESS MONEY AVAILABLE BECAUSE THE IHS WANTS TO REGISTER THEM?

WE AT NORTON SOUND HEALTH CORPORATION SINCERELY APPRECIATE YOUR COMING TO ALASKA TO GAIN INPUT FROM WE WHO MUST LIVE WITH THE POLICY DECISIONS COMING OUT OF WASHINGTON, D.C. AND ROCKVILLE, M.D. I HOPE THAT IN THE FUTURE, I CAN REPORT BACK TO MY PEOPLE THAT CONGRESS REJECTS THE NEW IHS ELIGIBILITY REGULATIONS AND THAT MEANINGFUL CONSULTATION WILL BE SOUGHT FROM EACH NATIVE PERSON EFFECTED IF THIS ELIGIBILITY ISSUE RESURFACES, WITH ADEQUATE RESOURCES TO COMPLETE THIS TASK.

THANK YOU.

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TESTIMONY ON INDIAN ELIGIBILITY, 42 CFR 36
FOR SENATOR INOUYE

Submitted by
John Jemewouk, President
NORTON SOUND HEALTH CORPORATION

August 16, 1988

Norton Sound Health Corporation serves the entire Bering Straits region; located on the west coast of this state, it encompasses an area of some 26,000 square miles. As the sole health care provider, we are responsible for delivering services to over 8,000 residents.

The Norton Sound Health Corporation's Board of Directors is composed of consumers from every regional village. The Corporation delivers services by authorization of the Native people of the region through resolutions passed by tribal governments as defined by the Indian Self-Determination Act. These tribal governments also select the members who sit on the Board of Directors, thus providing a direct voice into the policies and decisions made by the Corporation. As a Board, we are constantly faced with situations that force us to take a stand on difficult issues on behalf of the people we represent; now is such a case. After extensive consideration of the proposed eligibility requirements for IHS services, and after consultation with the tribal governments in our region, the Board of Directors for the Norton Sound Health Corporation has unanimously taken the following stand: AS REPRESENTATIVES OF THE PEOPLE OF NORTON SOUND, WE STRONGLY OBJECT TO THE REGULATIONS CONTAINED IN 42 CFR PART 36 OF THE FEDERAL REGISTER, and furthermore that a delay in implementation be granted to address the following issues:

1. Eligibility for IHS Services for Alaskan Natives is tied to "Alaska Native Claims Settlement Act" (ANCSA) stock ownership. This changes the way IHS looks at Alaskan Natives in that they are taking away the distinct difference between "tribal governments" and the "ANCSA Corporations". Tribal membership must remain within the authority of current identification of "federally recognized tribes". In other words ANCSA rolls are not the same as tribal membership rolls; they do not include Alaskan Natives that did not apply for enrollment, they had a quarter blood quantum requirement and they do not include Natives born after December 18, 1971. The answer must be sought to what will happen after 1991 to stock ownership when it becomes eligible for transfer since at that time ANCSA Corporations may no longer be acceptable evidence of tribal membership.

2. These requirements leave out Alaskan Natives who were adopted out and do not know who their biological parents are, and those children removed from Alaska who do not reside in the Health Service Delivery Area at that time of placement into foster care.

3. ANCSA Village and Regional Corporations do not appear on the Bureau of Indian Affairs annual publication of federally recognized tribes. Only 21 of Alaska's 197 federally recognized tribes have some formal enrollment system either being developed or in place and there are approximately 33 Alaskan tribes not formally recognized. What role will BIA play in determining or verifying that an Alaskan Native is enrolled in any of the Alaskan tribes? Neither Congress nor any of the tribes have granted such authority to BIA for Alaska. In this way, BIA's relationship with Alaskan tribes is different than their relationship in the lower 48 states.

These new regulations will cut off an estimated 12,300 Alaskan Natives presently being served, 15% of our current statewide service population of 80,900. In 15 years the eligible service population is estimated to fall to 52,820 or only 65% of the size of our current service population--this larger impact will occur as the current eligible population enrolled only to ANCSA dies out and their natural children presently eligible but not enrolled to ANCSA become ineligible upon reaching age 19.

The overall implication is that of a dwindling of support for Alaskan Native health care through oppressive regulations while the health of Alaskan Natives continues to lag behind that of all other groups in the United States.

The Board of Directors adheres strongly to the mission statement adopted by the Board in 1978, that being:

> To promote the highest possible health status of Norton Sound area residents in the most cost effective manner and through maximum involvement of area residents in the plan, management, and execution of that matter.

Our concern to elevate the health status of our people is a sincere one, and one that would be affected by the IHS regulations. To support such regulations would be damaging to our attempt to improve health care for the residents of the Bering Strait. It is for these reasons that we oppose the IHS proposed regulations to limit eligibility.

We strongly feel that these regulations should not be adopted, and can only hope that our concerns regarding the IHS proposals be taken into consideration on this very important matter. Thank you for your continuing interest in the health and welfare of Native people.

TESTIMONY OF ROBERT J. CLARK
BEFORE
THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

September 2, 1988

The Honorable Senator Inouye, members of the Committee and staff, my name is Robert J. Clark, Executive Director of the Bristol Bay Area Health Corporation. I am Yup'ik Eskimo born and raised in my region. My tribal organization represents 32 villages or tribes in Southwest Alaska, an area approximately the size of the State of Ohio. We are predominantly Yup'ik with a mix of Segstun Aleut and Tanaina Athapascan making up our native people.

Before I begin, I want to take a minute to welcome you on behalf of my people to Alaska. Quayana (thank you) for fulfilling your promise to get out to "Indian Country" and see us at "home" versus the halls of Congress. If you were not going beyond urban Anchorage I would say you are still a hundred or more miles from Alaska, even though we do have a large recognized native population here.

While the topics you want to hear from us are very important, and I believe they are good ones, I want to go on record for my people that we are interested in many and all concerns that affect our Alaska Native/American Indian people. Written correspondence (prior and pending) on several pending bills, the IHS and BIA appropriations and our relationship with the federal government should all be carefully considered as input sanctioned by our people as we consult with you. For purpose of this testimony I want to speak to the topic of eligibility and hope that you find time later to speak to members of the Alaska Native Health Board and Regional Health Directors on all areas that concern our people for whom we speak.

On June 1, 1988, my Board, on behalf and advice of our villages passed the following motion:

> Bristol Bay Area Health Corporation, a tribal organization representing thirty-two (32) tribes recommends and requests that: (1) the Secretary of the Department of Health & Human Services (DHHS) withdraw the final role on Indian Health Service (IHS) eligibility scheduled to go into effect in September 1988; (2) the Congress of the United States enact legislation during this session which would include: (a) establish, by statute, the current eligibility criteria for IHS services; (b) require an indefinite moratorium on the implementation of any

new regulations; (c) require IHS to conduct an area-by-area assessment of the impacts of various changes in the IHS eligibility criteria, with full participation and consultation of American Indian and Alaska Native tribal governments in this process and report yearly to Congress on this; (d) require IHS to provide a yearly report to Congress and to tribal governments conveying this assessment, including the recommendations of tribal governments.

This was sent to Congress and the Administration as an expression of our advice on this topic in June. We understand that both the House and Senate Interior Appropriations bills contain language imposing a one-year moratorium on the implementation of proposed regulations, the regulations deferred for FY 1988 by last years continuing resolution. Also there is a required study of the effects due to Congress by March 1, 1989.

This is, of course, better than what the proposed regulations called for. However, notwithstanding the Congressional Conference Committee action on the appropriation bills, we have been informed by our Area Director that he is continuing with plans to implement the proposed regulations on September 16, 1988 since the FY 1989 appropriation bill has not yet become law. We urge that your Committee contact the Indian Health Service and urge that no action be taken on this matter inconsistent with the pending FY 1989 appropriation bill. If the FY 1989 appropriation act is expected to prohibit the use of FY 1986 appropriated funds to implement such regulations it would appear unnecessary and potentially confusing to "gear up" to put them into effect on September 16.

As testimony on S. 2382 pointed out, a one-year moratorium on these regulations is not enough time. In fact a three-year moratorium for some villages is not enough. That is the reason we asked for the regulations to be withdrawn and an indefinite moratorium with yearly input provided. Our people are under enough mental and physical stress to meet deadlines. We challenge IHS Headquarters' testimony and point to the Alaska testimony signed off by BIA, IHS, and our Alaska Native people showing the need for time and a modification to the regulations. We are in full support of this as proper consideration of the complexity of this endeavor is studied. We are not opposed to the development of accurate village membership rolls. However, enrollment must be done correctly and our villages need to understand the process. A procedure which results in the denial of health care to some Alaska Natives should not be taken lightly.

You need to take into consideration that my people struggle most of the year to survive, and as psychologist Maslow points out, unless you satisfy basic needs, people cannot give full attention to other areas. The majority of our people for the most part do not operate on a 8 A.M. to 5 P.M., Monday - Friday work schedule. In fact, a small percentage have yearly jobs. Several jobs for the lucky, supplemented by subsistence and subsistence with participation in needs-based federal programs (i.e., food stamps, Medicare, Medicaid, AFDC, etc.), are more the rule. Also, most of our people are not fully available from May through September. At that time, when school starts, every effort is made to spend more time at home with the family. It seems regulations and deadlines for comments should take these basic considerations into account. The IHS, BIA and those whose job it is to work with, for, and on behalf of our people should champion this to folks like yourself and all of the federal government.

It seems that unless we sleep with one eye and ear open we will be boxed into some new rule or an old one that was discarded is reintroduced. We grow weary simply protecting our rights.

We understand that our rights to federal programs, including health care, have been preserved in paragraph (d) of the Alaska Native Claims Settlement Act, as amended earlier this year:

> (d) Notwithstanding any other provision of law, Alaska Natives shall remain eligible for all federal Indian programs on the same basis as other Native Americans.

We consider that eligibility "on the same basis" means equitable participation, not just technical equality. Our sister organization, the Bristol Bay Native Association (BBNA), which works directly with our villages and BIA, tells us that not one of our 32 villages has a complete enrollment system in place at this time. Workshops have taken place, but it takes a lot of time to set up such a complex system. Every village is different and unique. Work has to go on around day-to-day activities and cannot be forced if it is to be meaningful.

We implore you to study this critical situation without effectuating any formal regulations. We feel strongly that the regulations in place currently are adequate. Please direct that they be the rules to follow.

If new regulations must be imposed on Native people, then we urge that the Congress accept the joint recommendations of the Alaska Area Native Health Service and Juneau Area Bureau of Indian Affairs dated February 10, 1988, so that the worst effects of the proposed regulations can be eliminated. Our villages can then work on developing membership criteria and enrollment procedures without the pressure of artificial deadlines imposed from outside.

While this testimony has dealt primarily with the question of eligibility for health care, we also wish to urge the prompt enactment of the pending amendments to the Indian Self-Determination and Education Assistance Act. We operate a hospital and community health programs under P.L. 93-638 in the 45,000 square-mile Bristol Bay region. While P.L. 93-638 has allowed us to achieve Native control of health programs, we are still faced by inappropriate procurement rules and by the total absence of a meaningful IHS appeals procedure. We urge that any remaining differences between the House and Senate bills be resolved promptly so that tribal organizations can get the benefit of these important new reforms as soon as possible.

Thank you very much for the opportunity to share with you our views on eligibility and other health concerns of the Native people in our region.

TESTIMONY BEFORE THE US SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
HONORABLE SENATOR DANIEL K. INOUYE, CHAIRMAN
ANCHORAGE, ALASKA
SEPTEMBER 2, 1988

I am Beverly Faye Edwardsen Hugo, first Inupiat Certified Physician Assistant, graduated 3/21/85 from the University of Washington-Medex Northwest-Physician Assistant Program. I was certified by the National Commission on Certification of Physician Assistants, 1/22/86 in Primary Care, #861099, Alaska #168. I am a member of the American Academy of Physician Assistants, Alaska Academy of Physician Asst., and member of the Native village of Barrow, active board member of Rural Alaska Health Education Center. Presently I am employed at the North Slope Borough School district, box 169, Barrow, Alaska 99723. I am employed at Health Education Specialist in the School Health Services in Ipalook Elementary/Barrow High School, of 800+ students. Previously I was employed by the North Slope Borough Health Social Services as Physician Asst./Coordinator Instructor in a satellite village clinic in Anaktuvuk Pass, Population 280 Inupiat people. Formerly I was a Community Health Aide/Certified Community Health Practitioner, through the Anchorage Area Community Health Aide Program/Rural education Department, serving 7 and 1/2 years in Anaktuvuk Pass.

I am married for 15 years to Patrick T. Hugo of Anaktuvuk Pass. We have 3 children, ages 14 years, 9 years, and 18 months. I was born in Fairbanks, reared by my parents, Charlie and Mary Edwardsen of Barrow in a family of 12 children.

I strongly urge you all to continue and furthermore appropriate more money for the Community Health Aide/Practitioner Program of Alaska and to increase funding to support education and additional health care personnel, for these reasons:

1. The village CHA is the FIRST level of contact with the health care delivery system for rural Alaskan Natives. CHAs maintain standard clinic hours five days a week and respond to medical emergencies 24 hours a day, 365 days a year.

2. The CHAs and CHPs examine and treat each patient according to protocol outlined in the COMMUNITY HEALTH AIDE/PRACTITIONER MANUAL or as directed by the supervising physician via telephone.
Most patients are successfully treated by the CHA in the village. Serious or complicated patients are referred/transported to the service unit hospital which may be located several hundred air miles away.

CHAs provide care to the acutely ill, emergency care, perform prenatal care, well baby checks, immunizations and other preventive services. They work with a network of health providers from the federal, state, and local agencies. They assist with investigations and infectious disease outbreaks. In addition, they manage the clinic pharmacy, medical and janitorial supplies, equipment, and the clinic facility.

The CHAs/CHPs have become indispensable and are the major component of the health care for rural Alaskan Natives. They ensure that basic primary health care services are available, accessible, continuous, acceptable to the population served, and it is a cost-effective system. The CHAP Program is one on the most successful models of integrated primary health care in the world, particularly for regions or communities that are rural and remote. The importance of continued funding and additional funding cannot be stressed strongly enough!

3. The step in the career ladder next in line for a CHA/CHP is to become a mid-level practitioner, a Physician Assistant. That has been the route that I took and there are at least 15 former CHA/CHPs from Alaska that have successfully completed the Medex Northwest-University of Washington-Physician Assistant Program. These graduates have returned to Alaska and are now working in remote clinics. These former CHAs/CHPs are able to handle and deal with the cross-cultural communications as indigenous health care providers who are already prepared to handle the unique environmental, social and cultural conditions of rural Alaska. They are deeply committed and caring providers that only want to have their people have the best possible health care, just like anybody else.

4. Recently we just had an Alaska Bridge program through the University of Alaska-Fairbanks. It was a 5 weeks program to provide a supportive and academically stimulating transitional environment through which interested adult health career students can improve academic skills and assess their own readiness for university studies. The Alaska Bridge Program is designed specifically to help students develop the urban adaptation skills and academic competency in mathematics, science, oral and written communication and study skills needed for success in a demanding school to become a Physician's Assistant. A secondary goal of the program is to enhance an understanding of the Alaska statewide health care system and the physician's assistant role within this system. Rural Alaska Health Education Center money was only used as a primary health care provider. add $$?

5. The CHA/CHP has been identified as the ideal candidate for P.A. (Physician's Assistant) education because of a strong background as a primary health care provider.

6. I would encourage the Indian Health Service to supplement some funds for similar Alaska Bridge Programs, or to expand the existing one, so that more of our indigenous, strong health practitioners will have opportunities to advance. Alaska is so very vast and remote that the turnover rate of health care providers is very high. Education through the Alaska Bridge Program is one way to help stabilize our health care delivery system so that continuity and quality of care for rural Alaskan Natives is provided.

Thank you, Chairman Inouye and members of the US Senate Select Committee on Indian Affairs, for coming to Alaska to provide this opportunity for us to meet you and for you to hear first-hand from Alaska Natives about health issues that are so vital to us.

Community Health Aide Program Testimony
Presented by Panel # 1 at the Anchorage
Senate Select Hearings
September 2, 1988

Good afternoon Senator Inouye and staff. Thank you for your interest in Alaskan Native issues and for making the long journey to Alaska to meet with us.

I am Debra Caldera, Community Health Aide Program Director for the Yukon Kuskokwim Health Corporation and author of the document "Alaska Community Health Aide Program in Crisis". This document describes the program today, it's problems and a proposed solution to the problems. I have four of my staff here with me to share with you their perspective of the Community Health Aide Program.

(16a)

Lucy...

My name is Lucy Lewis from Kwigillingok. Kwigillingok is 60 miles from the nearest hospital. I was hired as a health aide eight months ago by the Village Council.

After I was hired, I worked with another health aide for one week. She taught me some of the things I need to know and I watched her see a patient. Then she left the village for the day. Before she left she told me not to worry that there will be no calls.

After she left I got a call that a patient was having chest pain. I went to him and noticed he was flushed. He told me he has a heart problem. I didn't know how to take pulse, respiration, and ask questions or report to the doctor. But the patient left on his own and took a plane to Bethel.

I felt scared, put down. I felt that I didn't know nothing. If I was that patient I'd think "gee this new health aide is so dumb".

I finally got Session I training after I was working 6 months. I feel more experienced, relaxed and confident. Last week I attended a Community Health Aide Conference at Kwethluk Children's Home. I learned some new words, "quality of care".

Let me tell you what really bothers me now and I can't stop thinking about it. I think back to that patient and my other patient and know that I didn't know enough to give good care. I know a lot now but I know I need to learn more to give good quality care to my patients.

Thank you.

16b Margie...

I'm Margie Boratko, Health Aide for two and a half years, from Upper Kalskag 100 miles from the nearest hospital.

I was called from Grandparents that Granddaughter was sick with high fevers. Reported her to the doctor and they put her on antibiotics for urinary tract infection. Patient has history of spinal befita. Rechecked her in the morning and she was fine. Afternoon was called again, nausea and vomiting this time. Reported her to the doctor. The doctors told me to check her shunt. I asked where her shunt was. The doctors told me it was behind her head. I checked the tubes but they felt hard to me. Also told me to call back if fever goes up. I was called again at 1 a.m. because of high fever and vomiting. Those are the signs of a blocked shunt. The doctors told me not to worry. I worried real hard because she is my brother's only daughter. I sent her to Bethel and when she got there she was just fine. The next week I got looks and something was said that I got excited for nothing. The next few days I couldn't respond to patients because I felt I would do something for nothing again.

I am an alternate Health Aide which means I work three days per month to keep my skills up. I also work when the Primary is out of town. Three days are not enough. It's scary because we are dealing with people lives. If I can work more and get more training, I know I can serve my people. My people depend on me for their health care. I'm depending on you for support.

16c Ursula...

My name is Ursula Kozevenikoff and I have been working as a Health Aide for over twenty years. I'm from Emmonak and we have over 700 people. Since January 1, 1988 we have had five deaths, four had pneumonia and one from sniffing gas. They came to pick me up about 3:30 a.m. and the boys said that boy was dead. I ran to go check him and found him inside the boat. The boys said he stopped breathing about half hour ago. His body was already stiff. So we did cardiopulmonary resusitation (CPR) for about one and half hours to try to bring him back. I called the doctor then and he said to stop the CPR. I felt really bad when we stopped CPR. Then after few days later I saw one of our Village Public Safety Officers. He asked me if we did CPR. When I said yes, he said you could have done better than that. After that I saw his parents. I was so scared and didn't know what to say to them. My head feel empty. They both talk to me but I did not understand them. Their mouth just moved.

To be a Health Aide is very hard and scary and you can't rest peacefully. The phone is ringing every few minutes of the day and night. It makes you very tired.

16d

Maggie...

My name is Maggie Smith from Hooper Bay, located 125 miles plus west of Bethel (by the Bering Sea. population 700). I have been a Health Aide for twenty years. I'm now certified.

The most touching incidents were five deaths last year July 1987. All occurred within two weeks. One died at ANMC following surgery. Nineteen year old female committed suicide in Anchorage. Five year old female at home with undetermined cause. One with heart failure and a sixteen year old attempted suicide but lived.

While at work in early evening, I was called to make immediate home visit. Sixteen year old had shot himself in the head. When I arrived to the scene, he was lying on the floor, unconscious with bloody head and face. After checking, I called the hospital. I medivaced him to Bethel by helicopter. I observed him all the way. He was really fighting for his dear life. Everytime he exhaled, blood drained out from nose and mouth. Eyes and forehead were really puffed up. When the chopper landed by the hospital, he was immediately taken to the emergency room. All the time we were traveling, I asked myself over and over, "Is there anything I didn't do?" After learning he died, another question arose, "Wasn't there anything I could have done?" Medical Doctor told me that he was brain dead and not to blame myself. I did my best.

Most sad, tough and touching experience is facing the family members.

Unexpected accident and death make you stressful and feel burned out and very depressing.

Lastly, if you don't believe what the Health Aides are doing in rural villages for their people with low wages, come out and experience it yourself.

Thank you.

Conclusion:

Statewide we lost 33% of all Community Health Aides in FY`87. That translates to 151 positions. These individuals are replaced by untrained, inexperienced people who do their best to provide patient care. We are unable to offer adequate training due to underfunding of training centers.

CHA's leave their jobs due to:

1. unreasonable work schedules
2. overwhelming job responsibilities
3. burnout
4. insufficient pay
5. inadequate training
6. stress associated with caring for victims of accidents, violent acts and suicide
7. and the severe emotional stress of providing care to close friends, relatives, and enemies alike in an isolated, remote setting 24 hours a day 365 days a year.

You have heard the testimonies of Lucy, Margie, Maggie and Ursula that describe the difficulties of their jobs as Community Health Aides. In their testimonies you can also feel their commitment to serving their people.

The personal dedication of every CHA who has ever worked in this program, regardless of the level of training, has contributed to the improved health status enjoyed by rural Alaskan Natives today. Yet the program cannot continue on it`s present course.

We are grateful for the $5 million FY'89 increase in CHAP appropriations. It brings us to 45% of funding level need. It is a beginning. Full funding at $28.7 million is needed to achieve and operate a bare bones quality health care program for rural Alaska Natives.

ALASKA NATIVE HEALTH BOARD

ASSOCIATION OF REGIONAL HEALTH DIRECTORS

COMMUNITY HEALTH AIDE PROGRAM
IN CRISIS

A Briefing Paper

Prepared by:

Debra Caldera, R.N., M.P.H.
Community Health Aide Program Director
Yukon-Kuskokwim Health Corporation
Bethel, Alaska

March 29, 1988

YKHC
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Community Health Aide Program
"Fostering Native Self Determination in Primary Care, Prevention and Health Promotion"

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COMMUNITY HEALTH AIDE PROGRAM

IN CRISIS

BRIEFING PAPER

The purpose of this paper is to alert Congressional members, their staff and other concerned individuals to the current status of Alaska's Community Health Aide Program (CHAP). The CHAP Program is the foundation of all health care for 42,722 rural Alaskan Natives. The program is in imminent danger of collapse due to severe underfunding. There is an immediate and critical need to redress the problem of underfunding which has resulted in an unacceptably high attrition rate and unmet Community Health Aide (CHA) training needs. This has compromised the quality of care CHAs are able to provide.

OVERVIEW OF THE COMMUNITY HEALTH AIDE PROGRAM

Alaska has a total land mass of 586,585 square miles and constitutes one-fifth the area of the United States. Within this vast area, 42,722 Alaskan Natives live in 171 villages located up to 1,300 miles from the nearest sub-regional center. Ninety percent of the villages are almost entirely inaccessible. Access is gained only through small single engine aircraft. Provision of goods and services and the delivery of health care to these remote sites is a challenge of unparalleled dimensions anywhere else in the Nation.

The CHAP Program is a unique system of health care. It is designed to extend primary health care services to underserved Alaskan Natives living great distances from the nearest traditional health care facility. This system of health care is found only in Alaska.

Community Health Aides (CHAs) are village based Alaskan Native paraprofessional health care providers. They are hired by

Regional Health Corporations (P.L.93-638 Contractors) from candidates selected by the communities in which they will serve. The CHAs begin their training only after they are hired.
Basic training consists of three training sessions each lasting 3-4 weeks, followed by a two week preceptorship. Training sessions are interspersed with months of village based clinical experience. Certification is gained after successful completion of a statewide certification examination. Medical supervision is provided by hospital based physicians who consult with CHAs during daily telephone or radio contact.

Unlike other primary health care providers, CHAs carry the full responsibility for their positions prior to completion of training. The responsibilities of a CHA with four weeks of training are very similar to those of a fully trained and experienced CHA.

CHAs are the sole health care providers residing in rural Alaskan villages. They assess and treat patients according to standard protocols and as directed by supervising physicians. They provide care to acutely ill patients, emergency care, well baby checks, immunizations, and other preventive activities. In addition they manage the clinic facility. CHAs maintain standard clinic hours and provide 24 hour emergency care. The job stress associated with providing health care in an isolated remote location is severe and the turnover under present conditions is considerable.

The CHAP Program became firmly established during the tuberculosis (TB) epidemic of the 1950s. Village volunteers known as "Chemotherapy Aides" monitored the administration of TB medicines in a village based treatment program. The volunteers, predecessors of the CHAs, successfully brought TB under control in rural Alaska.

In the ensuing years the role of the CHA evolved and expanded. Despite their essential role in the Alaskan Native health care system it was not until 1968 that the Federal Government recognized the CHAP Program concept.

In 1968 Congress authorized funds to train and provide a salary for 185 CHAs working in 157 villages. In 1978 the program expanded to 205 positions in 171 villages and remains at that level today. Throughout the history of the Program the CHA to village ratio has been 1.2 CHAs per village. The ratio has remained the same despite greatly expanded responsibilities, increased training requirements, a 49 percent increase in the native population and an explosion in the demand for services. In FY 1987 CHAs provided care in 208,501 patient visits.

From the outset it was recognized that one person alone could not carry the responsibility of health care in a village 24 hours per day. An alternate (substitute) CHA system evolved. Alternate CHAs (A-CHAs) substitute when the primary CHA (P-CHA) is sick, leaves the village for training or takes annual leave. They assist with emergency care as well. A-CHAs are an intregal and important component of the CHAP Program.

Funding for the CHAP Program is based on Congressional recognition of positions. Today's funding provides for training and salary for 205 Primary CHAs. In actuality these funds are stretched to support 464 positions. Funds are insufficient to provide training, supervision, and salary.

By the Indian Health Service Resource Requirements Methodology (RRM) the CHAP Program is grossly underfunded. According to RRM calculations for the CHAP, a fully funded program would cost $21,611,627. By contrast the Federal Government funds the Program at $5,532,304.

During the last five years, the State of Alaska has provided funds to the CHAP Program in an effort to rescue this grossly underfunded program. The state contributes $2.2 million per year for supervision and training of CHAs. They do not provide funds for CHA salaries. These additional funds do not begin to cover the actual level of need. Further it is possible that these funds could be reduced in response to the current severe state financial crisis.

THE COMMUNITY HEALTH AIDE PROGRAM: IN CRISIS

The CHAP Program is in danger of total collapse as demonstrated by:

1. A statewide attrition rate of 33% (151 of 464 CHAs in FY 1987).

2. The training system cannot meet CHA training needs. Thirty percent of CHAs practicing have less than the first four weeks of basic training. Fifty-seven percent have less than 8 weeks of basic training. Less than half are certified.

3. CHA salaries are inconsistent with the responsibilities of the position. Less than 15% of the CHAs are earning an income level above the Alaska Public Assistance eligibility criteria.

4. CHAs are inadequately supervised and supported in a very difficult and stressful job.

5. 28-30 villages do not have clinics leased by IHS. Many villages with clinic leases receive insufficient funds to maintain and operate the clinic facility.

The fragility of this system has serious consequences. The quality of care provided by an inadequately trained, inexperienced CHA is significantly less than that of a fully trained, experienced CHA. The quality of care for an entire village plummets with the resignation of one experienced CHA.

Coverage under the Federal Tort Claims Act was recently extended to P.L.93-638 contract employees, including CHAs, who perform medical functions. If the current funding problems continue CHAP will become more vulnerable to malpractice claims. The program needs an infusion of funds to avoid this result.

ADDRESSING THE CHAP CRISIS: A PROPOSED SOLUTION

It is clear that the Program is in crisis and demands immediate attention. To be effective, any proposed solution must address the current problems and guarantee basic medical care for rural Alaskan Natives.

During the last five months, work has been underway to define the problems and craft solutions to prevent the collapse of this program. This work culminated in a meeting of a subcommittee of statewide CHAP Program Directors, March 7-11, 1988. They developed a plan to restructure the program to improve the quality of care CHAs provide and to improve the working conditions of the CHAs to decrease the attrition rate.

The plan includes the following:

1. Increase the number of funded positions to 448.

2. Institute a work schedule which would reduce CHA burn out.

3. Increase the CHA training capacity to meet need.

4. Provide CHAs with salaries that compensate them fairly for the responsibilities of their positions.

5. Improve support and supervision to CHAs.

6. Extend the Village Built Clinic Program to all clinics served by CHAs. Ensure that clinic leases provide sufficient funds to operate the clinics.

The cost of restructuring the system would be $28.7 million annually over the next three years to meet the training requirements of 448 full time equivalents (FTE) after which $26.5 million per year would be required. The genesis of the $28.7 million is set forth in "Alaska Community Health Aide Program In

Crisis". The cost does not include improving clinic facilities and operation and maintenance costs.

Realizing that budgetary constraints have necessitated cuts in Federal and State funded programs and that full funding of the CHAP Program at this time may not be possible, the CHAP Directors have prepared an alternative budget with a reduction of all CHAP personnel salaries by 25%. This less preferred alternative would require an initial budget of $22.5 million over each of the next three years followed by a maintenance budget of $20.3 million per year. The CHAP Directors caution that this less preferred alternative fails to fully correct the inadequate CHAP Program salary structure.

CONCLUSION

The Community Health Aide Program is a vital component in the health care delivery system for rural Alaskan Natives. CHAs provide health care services to 42,722 Alaskan Natives living in remote, isolated villages of 50-900 people who would not otherwise have access to health care. It is culturally acceptable and cost effective. Health care is delivered by Alaskan Natives for Alaskan Natives fostering independence and self determination at a current cost of $37 per patient visit. There is an immediate and critical need to redress the problems of underfunding of this program.

WEATHER BOUND WITH TWO CRITICAL PATIENTS

> Weather conditions on the coast of northwest Alaska can be severe. High winds and blowing snow can close the airstrip for days. Such were the conditions when the CHA was called to see a patient who was having difficulty breathing. The patient had a collapsed lung. While caring for the patient, the CHA was called to the home of a woman who was six months pregnant and in labor. Both patients needed immediate medical treatment in a hospital setting. Severe cross winds prevented planes from landing. After four days of providing round-the clock treatment, the CHA mobilized the village residents to create a snow-pack airstrip perpendicular to the existing runway. Unable to land in severe crosswinds, a plane was able to land with the wind. A plane arrived and transported the patients to the hospital 100 miles away. The patient with the collapsed lung eventually recovered and returned home. The young woman in premature labor was able to carry her child to term and delivered a healthy baby.

Yukon-Kuskokwim Health Corporation
Community Health Aide Program
"Fostering Native Self-Determination in Primary Care, Prevention and Health Promotion"

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August 15, 1988

Honorable Daniel K. Inouye
Chairman
Select Committee on Indian Affaire
United States Senate
Washington, DC 20510-6450

Attention: Mary Frances Hoyle

Dear Senator Inouye:

I am very pleased to hear that the Select Committee on Indian Affairs has scheduled a visit to Alaska. Your interest in 1.) eligibility 2.) amendments to the Indian Child Welfare Act 3.) community based mental health programs 4.) and the problems of a severely underfunded Community Health Aide Program is greatly appreciated. I understand that Pat Zell has been working closely with the local native leaders in arranging your travel schedule. I think that they have put together an excellent itinerary. You will be exhausted by the end of your journey but you will have a comprehensive view of Alaskan Native issues.

I am submitting for the record, testimony on the status of the Community Health Aide Program (CHAP). This program ensures that Alaskan Natives living in remote, isolated villages have access to health care. The program is a remarkable example of adaptation of a health care system to meet local needs.

The program is severely underfunded. Statewide we are operating a program at 28% of need. The consequence of this underfunding is compromised quality of care. The program, problems, and solutions are outlined in the document "Alaska Community Health Aide Program In Crisis". Robert Clark, Executive Director of Bristol Bay Area Health Corporation and I presented this information to the Alaska congressional delegation, members of various committees and Indian Health Service March 29 - April 1, 1988. Many individuals in Washington, D.C. and here in Alaska put forth a great deal of effort between April 1 and August 9 to increase awareness about the status of the CHAP and to gain increased appropriations beginning in FY`89. On August 9 the House and Senate agreed to a $5 million increase to the program.

This is wonderful news to all of us who are working in and touched by the program. These funds will bring the program to a funding level of 45% of need. With these dollars we can attack the main factor underlying Community Health Aide (CHA) attrition, that is, unreasonable work schedules. Unfortunately we will not be able to address the problems of training and CHA salaries until more funds are channelled to CHAP. The health care of many rural Alaskan Natives will continue to be in the hands of practitioners who are inadequately trained for the responsibility of their positions. Thirty percent, 124 of the 415 currently employed CHAs, have less than the first four weeks of basic training. This is totally unacceptable by any standards and must change. The total FY`89 budget of close to $12 million will not permit a significant increase in CHA salaries. Most will continue to be eligible for Public Assistance.

A total budget of $28.7 million is needed to strengthen this long neglected but very important program. The $5 million increase to CHAP in FY`89 allows us to begin that process but more funds are needed to bring the program to an acceptable minimum standard of provision of health care by practicers with at least ten weeks of training. This may seem like a great deal of money but when one considers the cost of alternatives, the cost effectiveness of this program is quickly evident.

One alternative would be to have all patients seen at the subregional centers. In FY`87 CHAs provided care in 208,501 patient encounters. The average cost of round trip transportation to the centers is $150. Thus transportation costs for patients would be $31.3 million. The costs of housing patients who cannot return to their village in one day would also need to be considered. The cost of providing care per patient visit might be estimated at $118 (medicaid reimbursement level). Thus 208,501 visits would cost about $24.6 million. The cost of out patient visits alone would be in excess of $60 million/year (transportation plus cost per visit). The cost of expanding facilities and staff to provide services has not been added to this figure but would be considerable.

The CHAP is a cost effective, acceptable means of providing health care in isolated remote regions. Mr. Inouye, during your visit to Alaska I think you will be deeply impressed by the CHAs serving their people. I think you will also be impressed with the needs of the program.

I would be happy to provide testimony based on my experiences of working for four years with CHAs in 48 villages served by the Yukon Kuskokwim Health Corporation. However, I feel that testimony could be best provided by CHAs themselves. I am submitting for the record, copies of letters CHAs from our region submitted to the Alaska delegation in the past two months asking legislators to support full funding of CHAP at $28.7 million for FY'89, then a $7 million increase as outlined in the Senate appropriations bill. These letters are a window into the world of the CHA. They express dedication to serving their people, the frustrations they face due to inadequate training and their need for support.

I would like to suggest that you select three CHAs to testify at the Anchorage hearings and that this be a "panel presentation". If you decide to use panelling in this manner I would like to offer to participate in the panel to introduce the CHAs and to provide moral support to them. A presentation of this nature could be completed in 15 minutes.

Thank you for your interest in the CHAP and for considering a panel presentation at the Anchorage hearings on September 2. Enjoy your travels. I look forward to meeting you.

Respectfully yours,

Debra Caldera

Debra Caldera, R.N., M.P.H.
Director
Community Health Aide Program

Yukon-Kuskokwim Health Corporation
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August 17, 1988

Honorable Daniel K. Inouye
United States Senate
Washington, DC 20510

ATTENTION: Mary Frances Hoyle

Dear Senator Inouye:

I am submitting as testimony for the upcoming hearings in Anchorage, Alaska, a letter from Sophie K. Sakar. Sophie is the sole Community Health Aide (CHA) in Chauthbalak. Chauthbalak is located about 110 miles up river from Bethel and has a population of 125 people. We have been unable to hire a reliable back-up CHA for Sophie in the two years since she has been a primary CHA. This situation is of concern to me for two reasons:

1. Sophie is a dedicated and responsible CHA. I am worried that she will burn out without back-up support.

2. Sophie doesn't have anyone to care for her when she is in need of health care.

Sophie does not mention in her letter that on June 25, 1988, while returning from cutting fish for the winter, she was in a three wheeler accident. She suffered a severe fracture to her foot. Help arrived but she felt she should not be moved with her foot dangling. She took her foot in hand and reduced it so she could be safely moved!

She was taken to Bethel and was then sent to Anchorage as her injury required surgery. Sophie has spent the last two months at home recovering from her injury. By her choice, she returned to work on August 15. Not yet able to walk, she is seeking patients from a wheelchair.

Her courage and dedication inspire me to do all I can to try to improve the status of the Community Health Aide Program. I hope that you will join in the effort! Thank you for your interest.

Sincerely yours,

Debra Caldera

Debra Caldera, R.N., M.P.H.
Director
Community Health Aide Program

DC/jmc

cc: Sophie Sakar, CHA

Yukon-Kuskokwim Health Corporation
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August 10, 1988

TO: Senator Inouye
U.S. Senate
Washington, DC 20510

FROM: Sophie K. Sakar, CHA

SUBJECT: Alaska Community Health Aides In Crisis

Dear Senator Inouye:

Writing you a line to say a few or many of my concerns over this Health Aide In Crisis. I have been a back up for health aide problems since 1972 off and on. This is my second year as a primary aide. I've never had real good training until I became a primary and finished my Session II training in December '87.

Working as a primary I find out that we do everything from A to Z. Regardless of race and age we are there when we're called regardless of being tired or feeling sick ourselves. Let alone our own family problems. I'm sure I am not the only health aide that sometimes has to carry a heavy burden on my shoulders to go and care enough to take care of someone else's problem.

We do everything from bookkeeping down to try and straighten a broken bone and to save a 25 week pregnancy and close a cut all by ourselves with a family member that cares enough not to go into shock to help. When the weather is bad we are there trying our best to save a life but sometimes we fail. Yet we don't get thanks. All we get most is complaints from our un-understanding family members. Yet we stay because we care. And we don't move away like the doctors and public health nurses do. And the only time we get to rest in peace and have a peaceful sleep is when we are away from our villages.

I hope you care enough to help us as we get more stressful then you do. Even a penny of raise is more than what we get now. As the prices of everything goes up in our area.

I thank you very much for your taking a few minutes to read my concerns.

Sincerely yours,

Sophie K. Sakar, CHA
General Delivery
Chauthbaluk, AK 99557

Alaska
Community Health Aide Program
In Crisis

Debra Caldera, R.N., M.P.H.
Community Health Aide Program Director
Yukon Kuskokwim Health Corporation

March 28, 1988

for the

Alaska Native Health Board
and
Association of Regional Health Directors

ACKNOWLEDGEMENTS

Community Health Aide Program Directors Sub-Committee for Evaluation of and Long Range Planning for the Community Health Aide Program. Met in Anchorage, Alaska March 7-11, 1988.

Debra Caldera, Sub-Committee Chair
Yukon Kuskokwim Health Corporation

Rosemary Simone
Norton Sound Health Corporation

Barbara Knutsen
Bristol Bay Area Health Corporation

Grace Lincoln
Maniilaq Association

Marilyn Eaton
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Kuskokwim College, University of Alaska
Bethel, Alaska

TABLE OF CONTENTS

Page

Introduction 1

Alaska - The Land and The People 1

Physical Characteristics 1

Transportation 2

Population Characteristics 3

Health Status - Alaskan Natives 4

The Community Health Aide Program (CHAP) 5

History of The Community Health Aide Program 6

Roles and Responsibilities of the CHA - 1988 6

Funding for the CHAP 8

Community Health Aide Program In Crisis 10

Program Underfunded 10

CHA Attrition Rate 11

Training 15

Village Built Clinic Program 17

Summary of Program Problems 18

Recommended Interventions for the CHAP 19

Formula for Determining FTE Positions Needed 19

CHA Work Schedule 20

Training Recommendations 20

Compensation 21

Supervision 21

Village Built Clinic Program-Evaluation and Upgrading 22

Conclusion 23

Program Budget Narrative - Statewide 24

Budget Based on 100% Need - Statewide 27

Revised Budget 25% Decrease in Salary for All Positions 29

References 31

Attachments

1. CHA Basic Training Curriculum Overview 33
2. Health Corporations and Current CHA Position Distribution 35
3. Summary of RMMNA Projected Need for CHP Programs 37
4. CHAP Statewide Salary Survey Primary CHA Information 41
5. CHAP Statewide Salary Survey Alternate CHA Information 43
6. Community Health Aide Current Statewide Training Status 45
7. Mean Annual Salary for CHAs by Corporation 47
8. Summary Statewide Training Needs to Upgrade Training to Minimal Standards 49
9. Comparison of Average Monthly Lease Funds & Number of Leases by Corporation 51
10. CHAP Directors Sub-Committee 53
11. Application of CHA Allocation Formula to All Villages Currently Served by CHAs 55
12. Work Schedule Based on CHA Allocation Formula 61

COMMUNITY HEALTH AIDE PROGRAM
A PROGRAM IN CRISIS

INTRODUCTION

The purpose of this report is to acquaint Congressional members, their staff and other concerned individuals with the provision of health care services to rural Alaskan Natives, Alaska's Community Health Aide Program (CHAP) and the status of the Community Health Aide (CHA). The CHAP has been in existence for 30 years. Originating as a group of volunteers who distributed medication for a specific disease condition, the CHAs are now the foundation of health care in rural Alaska. Funding for the program has not kept pace with program change over time. As a result, dedicated, caring, underpaid CHAs are now providing health care to residents of rural Alaska in substandard clinic facilities.

We urge you to do the following:

1) acquaint yourself with the CHAP;
2) recognize the contributions the CHAs make in maintaining the health of the residents of 171 rural Alaskan communities;
3) commit to insuring that CHAP receives sufficient funding to provide a quality program inclusive of adequate training, support and supervision for the CHAs.

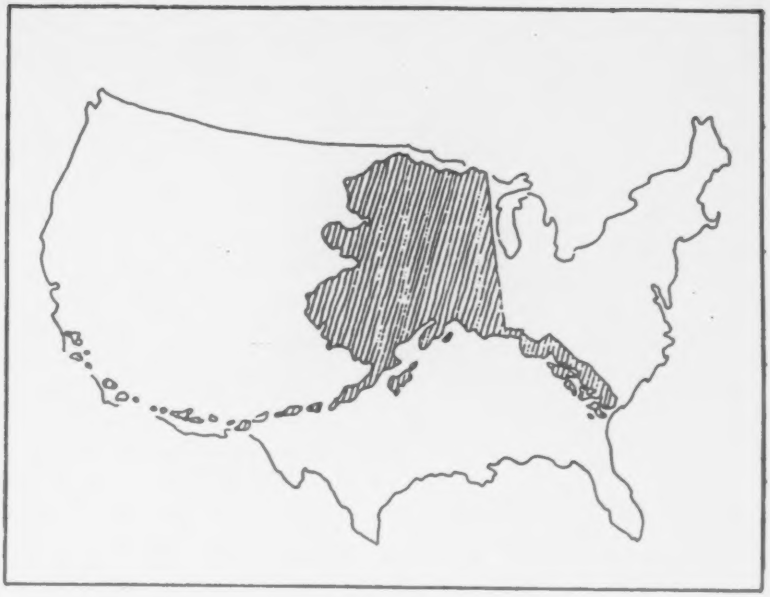
ALASKA - THE LAND AND THE PEOPLE

PHYSICAL CHARACTERISTICS

Alaska's extreme climate and geographic characteristics have a significant impact on the health of the population and the organization of the health care system. The harsh climate and terrain contribute heavily to the incidence of accidental injuries and death. The Arctic winter and darkness influence the behavioral health of the population. (State Health Plan for Alaska, 1984)

Alaska has a total land mass of 586,585 square miles and constitutes one-fifth the area of the United States. See Figure 1. There is a tremendous variation in climate and terrain, ranging from a mountainous maritime environment in Southeast Alaska to an arctic plain in the Arctic Slope area. There are four major climate zones: a temperate maritime climate in the southern coastal area; a continental climate in interior Alaska; a transitional climate in western Alaska and in the southcentral area north of the Pacific border mountain ranges; and, an arctic climate in the region north of the Brooks Range. (State Health Plan for Alaska, 1984)

FIGURE 1



Alaska - total land mass is one-fifth the
United States

From: State Health Plan for Alaska, 1984.

TRANSPORTATION

The majority of villages in rural Alaska are isolated from each other, separated by tremendous distances, vast mountain ranges, stretches of tundra, glaciers, and impassable river systems. Most of the communities are not connected to a road system. Air transportation is the primary means of travel on a statewide basis. Provision of goods and services to this remote region is extremely difficult.

WEATHER BOUND WITH TWO CRITICAL PATIENTS

Weather conditions on the coast of northwest Alaska can be severe. High winds and blowing snow can close the airstrip for days. Such were the conditions when the CHA was called to see a patient who was having difficulty breathing. The patient had a collapsed lung. While caring for the patient, the CHA was called to the home of a woman who was six months pregnant and in labor. Both patients needed immediate medical treatment in a hospital setting. Severe cross winds prevented planes from landing. After four days of providing round-the-clock treatment, the CHA mobilized the village residents to create a snow-pack airstrip perpendicular to the existing runway. Unable to land in severe crosswinds, a plane was able to land with the wind. A plane arrived and transported the patients to the hospital 100 miles away. The patient with the collapsed lung eventually recovered and returned home. The young woman in premature labor was able to carry her child to term and delivered a healthy baby.

POPULATION CHARACTERISTICS

With a 1980 population of 480,481, the population density of Alaska was 0.68 persons per square mile as compared to a national population density of 64.0. Seventy-six percent of the population (365,000 people) live in three urban centers. Fifteen percent (72,000 people) live in sub-regional centers which are 400-700 miles from the urban centers and nine percent (42,722 people) live in 171 small villages located up to 1,300 miles from the nearest sub-regional center. Ninety percent of these villages are accessible only by aircraft.

The people living in the remote villages are primarily Alaskan Natives. Residents, by tradition and out of necessity, rely heavily on subsistence activities. Lacking an economic base, hunting, fishing, trapping and berry picking provide many of the basic necessities of life.

The population age distribution plays a large role in determining the health status and health service needs of a given population. National and State studies have correlated age to the prevalence of acute and chronic conditions as well as the utilization of health services. Children less than five years old and women in the child bearing years are high consumers of health care services. Older persons are likely to experience chronic conditions requiring contact with the health care system. This is true in the Alaskan Native population as shown in TABLE 1.

TABLE 1

Average Annual Alaskan Native Per Capita Visits for Health Services by Age Group and Gender*

Age Group	Male	Female
< 5 yrs	7.3	6.4
5-14 yrs	3.6	3.2
15-24 yrs	3.2	5.5
25-44 yrs	3.6	6.4
45-64 yrs	4.7	6.5
65 + yrs	6.4	6.8

* Source- U.S. Public Health Service,
Health and Human Services, 1980.

In general the Native population has a relatively large percentage of youth (42.7% Native as opposed to 30.6% non-Native are 17 years of age or younger). In the age group 65 years or older Alaskan Natives account for 4.6% of the population as opposed to 2.6% non-Natives. (State Health Plan of Alaska, 1984) A high percentage of the population falls within the high user age groups. Eleven percent (7,054 people) are less than 5 years old and 22% (14,108 people) fall within the ages of 15-44 years old.

HEALTH STATUS - ALASKAN NATIVES

The health status of rural Alaskan Natives is related to poverty, rapid social change, the harsh climate and terrain, and the isolation of the communities in which they live. The accidental death rate among Alaskan Natives is 229 per 100,000 population compared to a national rate of 80 per 100,000 population. The suicide rate for Alaskan Native males 20-24 years old is 257 per 100,000, more than 20 times the national suicide rate. The incidence of tuberculosis among Alaskan Natives in 1985 was nearly 10 times the rate for the entire United States population.

The 1981 infant mortality rate for Alaskan Natives is 18.8 deaths per 1,000 live births compared with a non-native infant mortality rate of 8.24. (Alaska Department of Health and Social Services, 1987) Hepatitis B, otitis media, respiratory, and gastrointestinal disorders are a frequent cause of morbidity amongst Alaskan Natives.

THE COMMUNITY HEALTH AIDE PROGRAM (CHAP)

The CHAP is a unique system of health care designed to extend primary care services to the Alaskan Natives living in villages located great distances from the nearest traditional health care facility. In the United States this system of health care is found only in rural Alaska. Natives are hired by the Regional Health Corporations (PL-638 Contractors) from candidates chosen by the communities in which the CHA will serve. The CHAs begin their training in the delivery of health care services after they are hired.

Basic training consists of three training sessions, each lasting 3-4 weeks, and a two week preceptorship. For curriculum overview see Attachment 1. Training sessions are interspersed with several months of village clinical experience. Completion of training takes two to three years. Unlike other primary health care providers, CHAs carry the full responsibility for their position prior to completion of training.

Supervision is a very important component of any program. Supervisors ensure the quality of the product (in this case the quality of health care provided at the village level), monitor all aspects of job performance, and support and guide the worker.

Medical supervision is provided to CHAs through daily scheduled telephone or radio contact with hospital based physicians. The CHA presents pertinent information about the condition of the patients he or she has seen. The physician then advises the CHA on the appropriate treatment for each patient. An assigned physician visits the village clinic twice a year to provide direct services as well as observe the clinical skills of the CHA.

Overall job performance of the CHA is monitored by CHA Supervisors employed by the health corporations. The Supervisors ensure that corporation policies are implemented for these village based employees. Corporation Supervisors for CHAs provide supervision through field visits to village clinics and through daily to weekly telephone communications with the CHA. Supervisors monitor CHA job performance in all aspects and assist the CHA in achieving a high standard of performance. They support, teach and give guidance to CHAs, assist with problem resolution, provide moral support, and serve as a liaison for the medical system and the CHA, and the CHA and the village. The Supervisors work very closely with the local governing body in each village to ensure that CHAs receive support from within the village as well as from outside the village.

CHAs provide services in clinics leased by the village from the Indian Health Service (IHS). The Village Built Clinic Program was created to address the need for adequate health care facilities in Alaskan villages served by CHAs. The purpose of the program was to provide operational costs for clinics owned by villages or traditional councils.

HISTORY OF THE COMMUNITY HEALTH AIDE PROGRAM

The CHAP evolved in response to the need to extend medical care to Alaskan Natives living in rural Alaska. Before the end of World War II, there were few hospitals or health programs in Alaska. In 1955, the IHS assumed responsibility for the provision of health care to Alaskan Natives. Hospitals were established in nine population centers. These hospitals served those Natives living in the vicinity of the hospital but for the most part failed to reach those living in the many villages that the hospitals were intended to serve. Failure to reach the remote rural areas was most likely due to transportation limitations imposed by the geography of the region and vastness of the land. No road system connected the centers to the villages served. Therefore access to the service was limited.

The limitations of the hospital based system became very evident during the tuberculosis (TB) epidemic of the 1940's and 1950's. During the early years of the epidemic, large numbers of victims were sent out of the region for care in sanitariums. As medicines became available, an attempt was made to treat patients closer to home. Village volunteers monitored the administration of antitubercular medicine to patients in the village and served as intermediaries for the patient and physician. These volunteers were called "chemotherapy aides". (O'Hara - Devereaux, 1980)

The program successfully brought TB under control. The value of this village-based program was firmly established. These village-based volunteers were the predecessors of the CHAP. From 1955 to 1964 village health aides, most of them volunteers, began to take on more responsibility for a variety of health problems. In the past 20 years, the role of the CHA has evolved and expanded.

ROLES AND RESPONSIBILITIES OF THE CHA - 1988

The village clinic and the CHA are the focus of all health care in rural Alaskan villages. CHAs are the only health care providers residing in rural Alaskan villages. Currently, 171 villages with population ranges of 25-800 people are served by CHAs. The village CHA is the first level of contact with the health care delivery system for rural Alaskan Natives. CHAs maintain standard clinic hours five days per week and respond to medical emergencies 24 hours a day, 365 days per year.

The CHA examines and treats each patient according to protocols outlined in the Community Health Aide/Practitioner Manual* or as directed by the supervising physician via telephone or radio. Most patients are successfully treated by the CHA in the village. Serious or complicated cases are referred to the physician and transported to the nearest hospital if necessary. CHAs provide care to acutely ill patients, provide emergency care, perform prenatal care, well baby checks, immunizations, and other preventive activities. They work with numerous Federal, State, and local providers of services. They assist with the investigation and containment of infectious disease outbreaks. In addition, they manage the clinic pharmacy, supplies, equipment, and facility.

The CHAs have become an indispensable, important component of health care for rural Alaskan Natives. They ensure that basic primary care services are available, accessible, continuous, acceptable to the population, and cost effective. Although little known, the CHAP is one of the most successful models of integrated primary care in the world, particularly for regions or communities that are rural and remote. (O'Hara-Devereaux, 1980)

The importance of this program cannot be over-estimated. In FY '87 the CHAs had 208,501 patient visits. For rural Alaskan Natives the average cost of round trip transportation for a visit with the nearest physician is $175.00. Since the majority of patients exist below the federal poverty level, without the CHA, many Alaskan Natives would not have access to health care.

EMERGENCY

On a beautiful spring day, the CHA was taking care of family duties. Someone screamed and the CHA grabbed her medical bag and ran to a neighbor's house. A child had been bitten in the neck by a dog. The child was barely breathing due to a gash in her windpipe. Within a short time, the child's breathing was further impaired due to localized swelling. The CHA provided emergency treatment for 1 and 1/2 hours until an airplane arrived to transport the child to the closest hospital, 45 minutes air-time from the village. This experienced CHA was able to manage the localized swelling and keep the child alive until help arrived.

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* Burgess, Robert, M.D. Community Health Aide/Practitioner Manual. U.S. Department of Health and Human Services, Alaska Area Native Health Service, U.S. Government Printing Office, Washington, 1987.

FUNDING FOR THE CHAP

Despite the extensive role in the rural health care delivery system, it wasn't until 1968 that the Federal government recognized the CHAP concept. In that year, Congress authorized funds to train and provide a salary for 185 CHAs working in 157 villages. In 1977, Congress authorized expansion of the CHAP to 205 positions in 171 villages. In 1988, Congress continues to recognize 205 positions as shown in TABLE 2.

TABLE 2

Community Health Aide to Village Ratio By Year

YEAR	RATIO CHA : VILLAGE
1968	1.2 : 1
1977	1.2 : 1
1988	1.2 : 1

Funding for the CHAP is based on Congressional recognition of positions; a set amount of dollars is granted per position. Since 1968 the responsibilities of CHAs have expanded greatly; training for CHAs has increased significantly (from 2 weeks to 12); the number of patient visits has risen sharply; and the Alaskan Native population has increased by 49%.* Officially the provider to village ratio has not changed at all in 20 years. Currently the Federal government funds the CHAP at $5,532,304. This level of funding is insufficient to sustain the CHAP.

In order to preserve the CHAP, the State of Alaska and the regional Native health corporations and local communities have implemented a crisis response strategy. The State contributes approximately $2,000,000 annually for the training and supervision of CHAs. Emergency funding provided by the corporations and local communities amounts to a 52% subsidy, based on the actual costs of operating the program in comparison to Congressional allocation. These emergency funds are obtained by re-programming dollars from other important health programs.

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* This information is calculated from Rogers, 1971 and Alaska Department of Labor, 1987.

The impact of this subsidizing effort on health care services for Alaskan Natives is best understood in terms of the extreme underfunding for all Alaskan Natives and American Indian health care. Currently, the per capita personal health care expenditure for Alaskan Natives/American Indians is $575 compared to $1,150 for the U.S. general population. Therefore, subsidizing the CHAP seriously undermines the viability of other critical health programs which are already terribly underfunded. (U.S. Department of Health and Human Services, 1986)

COMMUNITY HEALTH AIDE PROGRAM IN CRISIS

PROGRAM UNDERFUNDED

The current status of the CHAP is a direct result of inadequate funding throughout the Program's 30 year history. As stated previously, the CHA to village ratio is 1.2:1. From the beginning of the Program, health corporations recognized that one person alone could not be responsible for the provision of health care 24 hours a day, 365 days per year. A back up system was needed so that the village would not be without health care in the absence of the CHA. The Alternate CHA system evolved to meet this need.

CHAs employed to provide health care services on a regularly scheduled basis are known as Primary CHAs (P-CHA) and represent the positions allocated by Congress. Currently there are 239 P-CHAs. (Attachment 2) Health corporations have split a number of FTE positions to half time positions to maximize CHA utilization.

Alternate CHAs (A-CHA) generally substitute when the P-CHA is sick, leaves the village for training, or takes annual leave. In some regions A-CHAs assist with emergency coverage during evenings, nights, weekends and holidays. There are 225 A-CHAs statewide (Attachment 2). The responsibilities of the A-CHAs are the same as P-CHAs. While on duty, they assess, treat and otherwise respond to all villagers in need of health care.

A-CHA positions are not officially funded by the Federal or State governments. In general, health corporations use Federal dollars to pay the A-CHA during the time the P-CHA is away from his/her duties. Thus funding intended to provide salaries and training for 205 positions actually supports 464 positions.

IHS uses a Resource Requirement Methodology (RRM) to estimate the amount of funding required to bring IHS services to parity with the general United States population. The Health Corporations have concerns about the CHAP component methodology. None the less, the IHS RRM derives a total budget need of $21,611,627 to support the CHAP. (Attachment 3) At the present time, the Federal Government funds the CHAP at $5,532,304 which is 26% of the total IHS projected need. With the State's contribution to the program, CHAP is operating at 37% of the total need.

The Program is in danger of total collapse as demonstrated by:

1. **A statewide attrition rate of 33% (151 of 464 CHAs in Fiscal Year (FY) 1987. (Attachment 4 and 5)**

2. **The existing training system cannot meet current training needs. Thirty percent of the CHAs practicing today have less than the first four (of twelve) weeks of basic training. 57% have had less than 8 weeks of basic training. Inadequately trained, inexperienced CHAs are providing health care in the villages. (Attachment 6)**

3. **Rural clinics are physically inadequate and lack basic clinic supplies. Many clinics do not have running water and many lack hand washing facilities in each examining room. Heating systems break down frequently.**

1. CHA ATTRITION RATE

As stated previously, the statewide attrition rate for CHAs is dangerously high at 33% (151 of 464 CHAs in FY `87). Unlike all other health care providers, trained and experienced CHAs are replaced by untrained, inexperienced lay people who have an 8th to 10th grade educational level. The quality of care plummets in a village when a CHA resigns. It takes years to restore the quality of care to a high level.

In 1987, the attrition rate for the P-CHAs statewide was 28% (66 of 239) with a range of 0%-37%. (Attachment 4)

Reasons given by the P-CHAs for attrition included:

a. burn out;
b. overwhelming job responsibilities;
c. low salary;
d. responsibility of providing emergency care 24 hours per day, 365 days per year;
e. not enough training;
f. family responsibilities;
g. stress of providing emergency care;
h. job too demanding;
i. too much on call; and
j. retirement.

The 1987 attrition rate for A-CHAs was 37% (84 of 225) with a range of 0% - 63%. (Attachment 5)

Reasons given by the A-CHAs for attrition included:

a. not enough pay;
b. lack of training;
c. lack of opportunities to utilize skills learned in training;
d. unpredictable work schedule;
e. lack of opportunities to work; and
f. promotion to primary position.

The attrition rate in both P-CHAs and A-CHAs is high. P-CHAs are overworked and stressed out from the responsibility they carry and their workload. A-CHAs provide a valuable service but are undertrained, underutilized, and stressed from attempting to provide quality care with little training and experience.

Stresses of the Job

The role of the CHA is not an easy one. The responsibilities and stresses of the position are extraordinary. A few of the most obvious stresses are as follows:

1. **CHA is the sole health care provider in an isolated community; has limited training and basic equipment only.**

   a. Attaining full certification as a CHA takes a minimum of 2 years; often longer. Learning the necessary skills and feeling competent in performing these skills takes years of practice.

   b. Back-up support for dealing with emergencies and difficult medical problems is not immediately available. Assistance may be hours away. Telephone communication with a professional is helpful but does not really substitute for "hands on" assistance from a competent professional.

   CHAs suffer tremendous pain and guilt if their best efforts cannot save a patient's life. Processing and resolving these feelings in the village is difficult because the CHAs, who often support others in need, find it difficult to reach out for comfort and support for themselves. Further, they must maintain patient confidentiality.

   c. Lack of peer support in the village.

   d. Village clinic facilities are basic structures with limited medical equipment. Heating systems break down frequently. Many clinics do not have running water. Maintaining high standards of sanitation in the clinic is difficult when water must be hauled to the clinic.

2. **The work of the CHA is unpredictable.**

   The work day of a CHA is as unpredictable as the day of an emergency room physician and is often as taxing. Because he or she lives in a small isolated community the CHA is never really "off" duty.

3. **Practicing in a small isolated community, the CHA must provide health care services to close family members.**

   This type of situation is avoided by all practitioners who recognize the difficulties of remaining objective when caring for family members.

4. **Lack of support from villagers.**

   a. Villagers don't seem to understand that a CHA, up for the entire night tending to victims of major trauma, may not be able to open the clinic on time in the morning.

   b. Even with a well advertised "on call" schedule in place, villagers often disregard the schedule and demand services from the CHA of their choice, thereby ensuring that all CHAs in the village are on call 24 hours a day, 365 days of the year; in essence the CHA becomes a slave of the village.

5. **Demands for services are high.**

   a. CHAs are called out in the middle of the night to tend to minor discomforts.

      1. Saying no to such requests can produce heavy criticism from villagers who feel the CHA should respond immediately to their requests.

      2. Saying no can result in a deep sense of guilt over not responding, and lost sleep wondering if the CHA should have responded to the request. Maybe the person is really in need of attention.

      3. Saying yes results in lost sleep and more requests for home visits for minor problems.

   b. As the sole village based health care provider, the CHA is called upon to provide a wide variety of services in addition to direct health care.

1. The CHA is often called upon to provide counseling to individuals experiencing psychosocial difficulties. The demand for such services is high due to social disruption secondary to a culture in transition and a high level of alcohol abuse in the villages.

2. The CHA is viewed by the community as a supportive person. He or she is requested to support the terminally ill patient and their families.

3. The CHA must assist itinerant health care providers during their trips to the villages. This entails long hours as itinerant providers work late in the evening and require the assistance of the CHA.

6. **The demands of the job make it difficult to participate in important subsistence activities.**

    a. Year round, full time employment makes it difficult to participate in traditional subsistence activities which decrease the cost of living in the village and contribute to well being.

    b. Family and job related responsibilities often pull the CHA in opposite directions.

7. **The CHA is a high profile figure in the community.** In a small community the CHA is subject to close scrutiny. Criticism, justified and unjustified, and small town politics often contribute to the stresses of the job.

FATAL "HIGH"

A CHA was called to examine two teenagers who were complaining of vision problems. During her assessment of the patients, the CHA learned that these two teens and 9 friends had consumed an unknown substance in a effort to get "high". The CHA immediately telephoned the physician at the hospital 60 miles away. She successfully conveyed the seriousness and extent of the problem. Airplanes were sent to the village to transport the victims to the hospital. The hospital mobilized their disaster plan. By the time the planes had arrived in the village, the CHA had identified the substance (methanol - small amounts can be fatal), gathered the victims together, determined the amount each had ingested, and triaged the victims so that those who were sickest arrived first at the hospital. The outcome: one teen died and four were flown to the tertiary hospital in Anchorage, 400 miles away. Accurate assessment of the problem and quick response on the part of the CHA saved ten teenagers' lives.

In summary, the job of the CHA is difficult and stressful. In general, CHAs are dedicated to their jobs, conscientious, and take the responsibility of their positions very seriously. Balancing the job with family responsibilities, community activities, and important subsistence and cultural activities, is at times impossible.

Compensation

In January, 1988 a statewide survey of the twelve CHAPs found that annual salaries for Primary (P-CHAs) CHAs ranged from $7,380 to $34,788. The weighted average annual salary for P-CHAs statewide is $17,397. (Attachment 7) The salary for Alternate CHAs (A-CHAs) is considerably less because they work so infrequently. During FY 1987, A-CHAs of the Yukon Kuskokwim Health Corporation, representing 42% of the State's A-CHAs, earned an average of less than $4,000/year.

A comparison with the Alaska Area Native Health Service (AANHS) salary range for various positions found that 68% of the CHAs earned less annually than a nursing assistant. A custodial worker in the AANHS system earns $34,346 - $40,066. One hundred percent of CHAs make less than a custodial worker. Although each CHA is on-call 24 hours a day, they are compensated for 6-8 hours of clinic time only.

A typical CHA is a 38 year old woman with 3 children under 21 years of age. If all CHAs (P-CHAs and A-CHAs) in Alaska were earning the maximum salary currently provided, only 15% would be earning an annual income above the Alaska Public Assistance eligibility criteria for a family of five members ($21,300/year).

2. TRAINING

Training should be provided in a timely manner to assure a high quality health care system. It is dangerous and unethical to sustain a health care system which is funded at such a level that adequate training cannot be provided. IHS funds the Anchorage CHAP (A-CHAP) to provide Primary CHA training only. Three additional training centers have evolved because A-CHAP was unable to meet the training demands of the Corporations and because the Corporations recognized that Alternate CHAs must have basic training to provide quality care. The State and Corporations have had to fund these training programs. Still funding is not sufficient to meet the current needs for training. The high attrition rate makes it impossible to meet the training need. Primary CHAs are targeted for completion of basic training. Alternate CHAs receive an abbreviated 4 week course which does not sufficiently prepare them for their work.

Currently there are 464 CHA positions in the state: 239 Primary CHAs and 225 Alternate CHA positions. At the time of the statewide survey in January 1988, 49 positions were vacant. 30% of the CHAs currently employed have had less than the first four weeks of basic training while 57% have had less than eight weeks of basic training.

CHAs can function remarkably well with less than twelve weeks of basic training however the quality of care rises markedly with increased training and experience. Currently the statewide standard for CHA training is: Primary CHAs are to be certified within three years of date of hire and Alternate CHAs should have at least Session I training within 6 months. The current statewide training capacity is 29 sessions/year as shown in TABLE 3.

TABLE 3

Statewide CHA Training Capacity
Sessions Per Year

Training Center	Session I	Session II	Session III	TOTAL
IHS - Anchorage	4	4	3	11
Kuskokwim College	2	2	2	6
North Pacific Rim Health Corp.	4			4
Norton Sound Health Corp.	3	2	3	8
			TOTAL	29

The minimum number of sessions needed to attain the current standard of training for all 464 CHAs is 50.2 sessions (based on six students per session). The current unmet need is for 22 additional training sessions. (Attachment 8) This will be an ongoing annual need if steps are not taken to reduce attrition.

3. VILLAGE BUILT CLINIC PROGRAM

The Village Built Clinic Program (VBCP) became operational in 1969-70. Participation was limited to a total of 141 clinics. By 1987, 141 clinics were participating with a total budget of $1,691,340.00, for an average annual lease per village of $11,995.32. From its outset, the VBCP has been subject to the ebb and flow of federal funds subsidizing participating clinics. Villages that were added to the program during "lean" budget years received a lower original lease amount than those added during "fat" budget years. The funding allocated to each clinic per year is determined by the year in which the clinic lease was granted. It is not based on size, expenses, or other considerations. Currently 30 village clinics are not covered by this program.

The impact of inadequate lease appropriations is that clinics are not properly maintained. Break down in heating, electricity, water systems where they exist, and telephones occurs frequently. Village clinics are often inadequately heated making it impossible for CHAs to provide services in the clinics. Clinics with marginal systems freeze up during cold weather destroying medication and disrupting existing water systems. Attachment 9 shows the problems with the Village Built Clinic Program allocation methodology.

An example of the problems with the methodology is the 2,400 square foot Mountain Village clinic. Staffed by 3 P-CHAs and serving 729 people with 4,813 patient encounters in 1987, Mountain Village has a monthly lease of $678.00. The Tununak clinic is 768 square feet. It serves a population of 330 and has 1 P-CHA. In FY `87 the CHA had 1,324 patient encounters. It has a monthly lease of $1,168.00. In the past, Mountain Village would supplement this grossly inadequate lease amount with village operating funds. Such supplements are no longer possible due to the growing economic crisis in the state.

SUMMARY OF PROGRAM PROBLEMS

The Community Health Aide Program is a vital component in the health care delivery system of rural Alaska. It is culturally acceptable and cost effective. Health care is delivered by Alaskan Natives for Alaskan Natives fostering independence and self-determination at a current cost of $37 per patient visit. There is an immediate and critical need to redress the problems of underfunding that have resulted in an unacceptably high attrition rate, unmet training needs and the problems associated with CHAs operating in substandard clinics. These problems adversely affect the quality of health care that CHAs provide. As quality of care diminishes, the risk of liability increases.

In December of 1987, revisions to the Federal Tort Claims Act made dramatic changes in the Federal government's responsibility for medical liability to all P.L. 93-638 contractors. As a result of these revisions, the Federal government has accepted responsibility for medical liability for Community Health Aides. In its current condition, the CHAP is extremely vulnerable to medical malpractice lawsuits.

HELP FOR A CRITICALLY ILL INFANT

A young health aide was caring for a three month old infant who had pyloric stenosis. This is a stricture that develops where the stomach enters the small intestine, preventing food from being digested. Every time the infant was fed, she vomited the entire feeding. This condition requires prompt medical treatment or it becomes life threatening. Because of severe weather conditions, there was no transportation out of the village. Telephone and radio communications were down. The baby could not be transported to a hospital and the CHA had no means of consulting with a physician. The infant required intravenous feeding, but her veins were too small to insert an intravenous feeding tube. Without nourishment, the infant would die. The CHA opened a bottle of intravenous fluid and spoon fed the infant one-half teaspoon every 15 minutes around-the-clock for three days. The small amounts of fluid given around-the-clock enabled the baby to absorb the fluids and provided sufficient nourishment to sustain life, until the baby could be transferred to a hospital for surgery.

RECOMMENDED INTERVENTIONS FOR THE COMMUNITY HEALTH AIDE PROGRAM

Concerned with the current status of the CHAP, a Subcommittee of five statewide CHAP Directors (Attachment 10) met in Anchorage March 7-11, 1988. The purpose of the meeting was to evaluate the CHAP and develop a plan to restructure the program to improve the quality of health care CHAs provide and to improve the working conditions of the CHA. This process is long overdue. Their work was supported by the Alaska Native Health Board and the Association of Regional Health Directors.

To ensure access to and provision of quality health care to rural Alaskan Natives the following changes are necessary:

1. Increase the number of officially funded FTE positions from 205 to 448 CHA positions; this replaces the A-CHA system (229 A-CHAs).
2. Institute a work schedule which recognizes that CHAs maintain regular clinic hours plus respond to emergency calls 24 hours a day, 365 days per year.
3. Increase the statewide CHA training capacity to ensure that all CHAs can complete basic training within three years of hire and that CHAs have at least the first four weeks of training completed prior to assuming patient care responsibilities.
4. Provide that CHAs are adequately compensated for the responsibilities of the position.
5. Provide adequate support and supervision to CHAs.
6. Extend the Village Built Clinic Program to include all village clinics. Currently 30 clinics are not covered by the program. Also upgrade basic clinic facilities and increase financial support for operation and maintenance of the clinics.

1. FORMULA FOR DETERMINING FTE POSITIONS NEEDED

A formula was developed by the CHAP Director Subcommittee to determine the number of FTEs needed to provide services in village clinics. This formula is based on population plus the minimum number of FTEs needed to maintain regular clinic hours plus provide care for emergencies 24 hours a day. The CHAP Directors created this formula based on experience with health care provider staffing patterns and village population. TABLE 4 outlines the formula.

TABLE 4

CHA Allocation Formula

Village Population	Positions Needed Based On 1 CHA Per 200 Population	Total # of CHAs Needed to Provide Regular Clinic Hours Plus Emergency Coverage 24 Hours
25-99	.5	1
100-199	1.0	2
200-299	1.5	3
300-399	2.0	3
400-499	2.5	5
500-599	3.0	5
600-699	3.5	6
700-799	4.0	6
> 800	4.0	7

This formula was applied to every village currently served by CHAs. It was then refined to reflect individual CHAP Directors' knowledge of specific village staffing needs. This resulted in a total need for 448 FTE CHA positions. (Attachment 11)

2. CHA WORK SCHEDULE

The recommended work schedule for CHAs to provide regular clinic hours plus 24 hour a day emergency care is two weeks on duty followed by one week off. The work schedule for all village population ranges is shown in Attachment 12. This schedule would enable CHAs to provide quality health care and will dramatically reduce attrition. No other health care providers are required to maintain a schedule currently demanded by the present system.

3. TRAINING RECOMMENDATIONS

Currently a large number of CHAs have not completed Basic Training. A major effort must be undertaken to upgrade the training level of all CHAs. This includes currently employed CHAs, the new hires needed to meet the recommended 448 FTE staffing level, and the ongoing need with a 10% attrition rate.

Due to concerns about quality of care provided and CHA liability issues, this upgrading of CHA training level should be accomplished in three years. Currently the training centers have the capacity to provide 29 sessions per year. (TABLE 3) The current need for sessions is 69 over the next three years followed by a maintenance level of 24 sessions per year. (TABLE 5) The CHAP Directors recommend that the current centers be expanded to meet the need rather than starting new training centers as the expanded need is a temporary one.

TABLE 5

Number of Total Training Sessions Needed Per Year Over Three Years to Upgrade the Program to 448 FTE

	Sessions per Year
Total Number of Sessions Needed Per year to Upgrade to 448 Positions	45
Total Sessions Needed per Year to Meet a 10% Attrition Rate*	24
TOTAL	69

*If working conditions for CHAs are improved the attrition rate should fall to 10% and training needs will reflect the target attrition rate.

4. COMPENSATION

Compensation for CHAs is variable across the state due to marked differences in the cost of living and availability of local resources to supplement salary. However all CHAs should be paid at a minimum level reflective of the responsibilities of the position. The CHAP Director Subcommittee recommends a starting salary rate of no lower than $28,047 and to increase this when the CHA is certified, to no lower than $33,385. The job of the CHA is similar in responsibility to that of mid-level practitioners providing primary health care. Therefore, their compensation must reflect this responsibility.

5. SUPERVISION

The Supervisor is the primary support mechanism for employees performing a very stressful job in an isolated setting. Supervision is provided through frequent telephone consultations and 3-5 day long visits twice a year. This is not sufficient.

In order to reinforce basic teaching, provide assistance with clinic management, and support the CHA, three village visits per year would be more appropriate. To accomplish this a reasonable Supervisor to village ratio is 1:5.

CHAs are frequently called to the scenes of suicide attempts and completions, homicides, and accidents resulting in major trauma. Every patient is a family member, relative, or close neighbor. Caring for these victims leaves lasting scars on the CHA. Nightmares, mental anguish, and flashbacks trouble the lives of the CHAs. On-site face to face Supervisor visits are vital in assisting the CHA to work through job related stress and trauma.

The Supervisors should not be providing basic training. Both the supervisor and instructor role are demanding and equally important. When these two functions are provided by the same staff the supervisory role gets compromised.

Supervisor Village Visit

The Supervisor stepped off the plane in the village and walked to the clinic. She was greeted by the CHA. Immediately the CHA referred to the death which had occurred in the village four months before. The CHA had been called to a home where a 16 year old had placed a gun under his chin and pulled the trigger. The boy was alive. The CHA assessed the patient and called the physician for help. A plane was dispatched. As the CHA worked on the boy, he clung to her hand and begged her to help him. Directed by the physician, the CHA did everything she could to help the patient. But the patient stopped breathing. She tried to resuscitate him but he died in the 3 hours it took for the plane to arrive. The patient was her young brother. The CHA felt guilty that she had not saved the boy and had been unable to talk to anyone about her feelings.

6. VILLAGE BUILT CLINIC PROGRAM - EVALUATION AND UPGRADING

The Village Built Clinic Program needs to be expanded to include all village clinics. The program also requires a thorough evaluation so that a funding methodology can be developed based on operating costs (including fuel, electricity, water, sewer, supplies, and equipment), number of patient visits annually, and population.

CONCLUSION

Implementation of this plan will result in the following:

1. Significant decrease in CHA attrition rate within two years of implementation.
2. Improve the working conditions for CHAs.
3. At the end of three years 70% of the State's CHAs will be certified. This will result in the provision of higher quality of care at the village level.
4. CHAs will be better supported by their Supervisor with more frequent village visits. This will contribute to a decrease in the attrition rate which has a direct relationship to quality of health care.
5. All CHAs will have an adequate clinic in which to work. Clinic facilities will be properly maintained and operational _if_ the Village Built Clinic Program is evaluated and additional funds are allocated.

The CHAP Director Subcommittee strongly recommends that a Statewide evaluation of this plan be done in three years to avoid the program reaching such a crisis situation again. The type of in-depth evaluation just completed must occur every three years.

Funding for this program must be channeled directly to the CHAP and not through the IHS RMMNA formula. This program is unique and not well funded through current channels.

PROGRAM BUDGET NARRATIVE - STATEWIDE

PERSONNEL:

1. **CHAs**

   A. **Number:** Based on village population formula developed by CHAP Directors March 1988: 448 CHAs

   B. Salary: Average of the range $28,047 - $33,385: $30,716.

2. Supervisor

   A. **Number:** Based on a ratio of 1 Supervisor per 5 villages according to proposed state regulations: 36 Supervisors

   B. Salary: Average of the range $36,507 - $49,293 is $42,900. Salary range from projections and figures submitted at the CHAP Director Subcommittee meeting, Anchorage, March 7-11, 1988.

3. Director

   A. Number: One Program Director per Health Corporation: 12

   B. Salary: Average of the range $39,998 - $55,974 is $47,981. Salary range from projections and figures submitted at CHAP Director Subcommittee meeting, Anchorage, March 7-11, 1988.

4. Support Staff: Process CHA paperwork submitted to central office. Secretarial support for Supervisors and Program Directors.

   A. Number: 1 position for each 25 CHA positions (448) is 18

   B. Salary: Average of the salary range $22,00 - $28,000: $25,000.

TRAINING

A. Cost of training: includes travel, perdiem, instructors, equipment, and supplies.

SESSION	LENGTH OF SESSION	COST PER STUDENT
Session I	4 weeks	$ 8,000
Session II	3 weeks	$ 6,000
Session III	3 weeks	$ 6,000
Preceptorship	2 weeks	$ 4,000

*Based on Anchorage-CHAP Training Center cost per student FY `88 - Robert Burgess.

B. Estimate of Current Need - Training

There are currently 415 CHAs employed (49 vacant positions). The CHAP Director Subcommittee recommends a total of 448 CHAs. Based on current training status of all employed CHAs and number of vacancies based on 448, CHA total training needs are:

1. 33 positions vacant. CHAs need: Session I, II, III, and Preceptorship.
2. 124 CHAs have had less than Session I training. CHAs need: Sessions I, II, III, and Preceptorship.
3. 64 CHAs have had Session I. CHAs need: Sessions II, III and Preceptorship.
4. 48 CHAs have had Session II. Need: Session III and Preceptorship.
5. 179 CHAs are certified and need ongoing training.

C. An attrition rate of 10% can be achieved because the population is not transient. To achieve a 10% attrition rate we must decrease stress by improving work schedule, increase incentive (salary), increase support through closer supervision, and increase confidence and self-esteem through provision of full training for all CHAs. Our current attrition rate is 33% statewide. 10% of 448 FTE is 45 FTE. This number is used in calculating the training budget: Ongoing Need.

D. A plan for meeting the ongoing educational needs for CHAs who are certified must be factored into future training budgets.

TRAVEL BUDGET

1. Supervisor travel budget is based on the following:
    A. Village travel
        1. Villages needing visits: 171
        2. Average round trip transportation costs: $175
        3. Perdiem: Village perdiem rate of $45 per night
        4. Number of trips per village per year: 3 trips
        5. Number of nights in village: 3
    B. Supervisor travel for Continuing Medical Education
        1. Total trips: One Anchorage trip for each supervisor: 36 trips
        2. Average round trip transportation cost: $350
        3. Perdiem rate (Federal standard): $125 per night
        4. Number of nights in Anchorage: 2
2. Program Director Travel
    A. Village Travel
        1. Village trips per year: 10
        2. Average round trip transportation costs: $175
        3. Perdiem rate for village travel: $45
        4. Average length of trip: 2 nights
    B. Anchorage travel
        1. Anchorage trips per year: 4
        2. Average round trip transportation costs: $350
        3. Perdiem rate for Anchorage travel: $125/night
        4. Average length of trip: 3 nights
        5. Number of Program Directors: 12

BUDGET BASED ON 100% OF NEED

PERSONNEL:

448 FTE CHAs @ average salary $30,716	$13,760,768
12 FTE Program Director @ average salary $47,981	575,772
36 FTE Supervisor @ average salary $42,900	1,544,400
18 FTE Support @ average salary $25,000	450,000
Total Salary	$16,330,940
Fringe @ 25%	4,082,735
Total	**$20,413,675**

TRAINING - Need if recommended FTE 448 is accepted:

157 need Session I, II, III, Prec. @ $24,000	$ 3,768,000
64 need Session II, III, Prec. @ 16,000	1,024,000
48 need Session III, Prec. @ $10,000	480,000
To upgrade training need	$ 5,272,000

Ongoing Training Need (10% attrition @ 448)

45 needing Session I, II, III, Prec. @ $24,000	$ 1,080,000
Total training need	**$ 6,352,000**

TRAVEL BUDGET:

Supervisor - village 513 trips @ $310 per trip	$ 159,030
Supervisor - Anchorage 36 trips @ $600 per trip	21,600
Program Director - village 120 trips @ $265 per trip	31,800
Program Director - Anchorage - 48 trips @ 725	34,800
Total travel	**$ 247,230**

The Total Annual Budget needed to maintain a program at a minimum level is:

1. All salary	$20,413,675
2. Training @ 10% attrition rate	1,080,000
3. Travel	247,230
Direct Cost	$21,740,905
Indirect Cost 22%	4,782,999
Total cost	$26,523,904

To upgrade the training level for all CHAs $5,272,000 are needed.

This needs to be phased in over a three year period @ a cost of $1,757,333 per year.

The total cost of the CHAP Program Training Upgrade years is:

Direct Cost	$23,498,238
Indirect Cost 22%	5,169,612
Total cost	**$28,667,850**

Budget for the CHAP FY '89 - FY '92 is:

Fiscal Year	Total Budget
1989	$28,667,850
1990	$28,667,850
1991	$28,667.850
1992	$26,523,904 (maintenance budget)

It is important to note that the FY '88 Statewide CHAP Funding is:

IHS	$ 4,984,398
Anchorage CHAP	546,906
State HB 215	2,047,316
State to Kuskokwim College	200,000
	$ 7,778,620

The Projected need as determined by the CHAP Directors for maintaining the program is: $26,523,904

Thus CHAP is operating at 26% of need. This contributes directly to the problems experienced by the CHAP and described in this document.

Realizing that budgetary constraints have necessitated cuts in Federal and State funded programs and that full funding of the CHAP at this time may not be possible, the CHAP Directors have prepared a budget with a 25% reduction in salaries. We strongly recommend these funds be made available immediately. These funds will begin to address the serious problems until full funding is possible.

REVISED BUDGET
25 % DECREASE IN SALARY
FOR ALL POSITIONS

PERSONNEL:

448 FTE CHAs @ average salary $23,037	$10,320,576
12 FTE Program Director @ average salary $35,986	431,832
36 FTE Supervisors @ average salary $32,175	1,158,300
18 FTE Support @ average salary $18,750	337,500
Total Salary	$12,248,208
Fringe @ 25%	3,062,052
Total	**$15,310,260**

TRAINING - Present need if recommended FTE 448 is accepted:

157 need Session I, II, III, Prec. @ $24,000	$ 3,768,000
64 need Session II, III, Prec. @ 16,000	1,024,000
48 need Session III, Prec. @ $10,000	480,000
To upgrade training Need	$ 5,272,000

Ongoing Training Need (10% attrition @ 448)

45 CHAs need Session I, II, III, Prec. @ $24,000	$ 1,080,000
Total training need	$ 6,352,000

TRAVEL: Supervisor Travel Budget and
Program Director Travel Budget

Total	**$ 247,230**

The total annual budget needed to maintain the program following the modified budget is:

1.	All salary	$15,310,260
2.	Training @ 10% attrition rate	1,080,000
3.	Travel	247,230
	Direct Cost	$16,637,490
	Indirect Cost 22%	3,660,248
	Total cost	**$20,297,738**

To update the training level for all CHAs $5,272,000 are needed.

This needs to be phased in over a three year period @ a cost of $1,757,333 per year over the next years.

The total costs of the CHAP during Program Training Update years is:

Direct Cost	$18,394,823
Indirect Cost 22%	4,046,861
Total cost	**$22,441,684**

Modified CHAP Budget for FY '89 - FY '92 is:

Fiscal Year	Total Budget	
1989	$22,441,684	
1990	$22,441,684	
1991	$22,441,684	
1992	$20,297,738	(maintenance budget)

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Mohatt, G., McDairmid, G. W., Montoya, V. "The Effects of Social Change on Alaskan Native Health", Rural Alaska College Newsletter. University of Alaska, Fairbanks. V.9, #2, March 1980.

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ATTACHMENT 1

CHA Basic Training Curriculum Overview
(3 Sessions Totaling 10 weeks)*

- Introduction to the Community Health Aide program
- Concepts of Health and Disease
- Anatomy and Function of the Body Systems
- Patient Encounter Evaluation Skills
  - Complete and Problem-Specific History Taking
  - Physical Exam and Vital Sign Skills
  - Assessment and Plan for the Problem
  - Recording of Findings and Reporting to Physician
  - Use of Reference Texts The Community Health Aide/Practitioner Manual and the Village Drug Reference (VDR)
- Procedures and Laboratory Tests
- Health Problems by Body Systems
  - Head, Eyes, Ears, Nose, Mouth, Throat (HEENMT)
  - Respiratory System
  - Cardiovascular System, Blood and Lymphatics
  - Gastrointestional System
  - Urinary System
  - Male and Female Reproductive Systems
  - Breast
  - Musculoskeletal System
  - Nervous System
  - Endocrine (Regulatory) System
  - Skin
- Medicines
  - Basic Concepts
  - Administration of Medicines
  - Maintaining a Clinic Medicine Cabinet (Pharmacy)
- Obstetrics
  - Prenatal Care
  - Labor and Delivery
  - Emergency Childbirth
  - Post-Partum Care
- Pediatrics
  - Fetal Alcohol Syndrome
  - Newborn Exam and Complications
  - Well Child Exam and Clinic
  - Growth and Development Assessment
  - Immunizations
  - Health Surveillance - School Screening
  - Pediatric History and Exam
  - Serious Infections in Children
  - Child Abuse and Neglect
- Gynecology
  - Family Planning
  - Evaluation of The Rape Victim

Mental Health
  - Mental Illness (depression, suicide, anxiety and others)
  - Mental Health Promotion
  - Alcohol and Drug Abuse
  - Family Violence
  - Grief and Loss, Death and Dying
  - Stress Management for the CHAs

Preventive Health and Epidemiology
  - Communicable, and Water and Food Borne Diseases in Alaska
  - Water and Food Borne Disease in Alaska
  - Tuberculosis
  - Sexually Transmitted Diseases
  - Accident Prevention and Home Safety
  - Office of Environmental Health (water and sewage, rabies)

Health Surveillance and Promotion
Chronic Illness
Nutrition
Health Education Techniques
Clinic Management and Administration
Basic Education Skills and Independent Study
Emergency Trauma Training (State of Alaska Certified)
  - 1 week course in summary includes:
    - Body Surveys - Airway and Breathing
    - Cardiopulmonary Resuscitation
    - Poisoning
    - Assessment and Treatment of Trauma
    - Bandaging, Splinting and Transport

* This overview does not indicate sequence.

The Certification Process for Community Health Aides

The requirements for statewide Certification are:

1. Successful completion of Sessions I, II, and III of Basic Training

2. Successful completion of a two week Preceptorship -supervised clinical experience.

3. Completion of the CHA "Skills List".

4. Passing grade (80%) on the written and practical statewide "Certification Examination".

5. Completion of documented field experience at the CHA's village clinic to satisfy 24 University of Alaska credit hours of Basic Training (approximately 600 hours of field work as a CHA).

6. Satisfactory evaluation of field performance following Basic Training by physician, public health nurse and CHA Supervisor.

ATTACHMENT 2

HEALTH CORPORATIONS AND CURRENT CHA POSITION DISTRIBUTION
MARCH, 1988

HEALTH CORPORATIONS	# OF VILLAGES	# OF CURRENT FTE POSITIONS	# OF CURRENT P-CHAs	# OF CURRENT A-CHAs	TOTAL # OF CHAs
Aleutian/Pribilof Islands Association, Inc.	7	6.5	7	6	13
Bristol Bay Health Corporation	29	33	39	26	65
EEDA Regional Consortium of Tribes	1	1	1	0	1
Copper River Health Department	6	3.5	6	5	11
Kodiak Area Native Association	6	6	6	6	12
Maniilaq Association	11	15	18	14	32
North Pacific Rim	4	3	5	2	7
North Slope Borough Health Corp.	6	7	16	0	16
Norton Sound Health Corporation	15	20	21	44	65
Southeast Alaska Regional Health Corporation	7	13	13	5	18
Tanana Chiefs Conference, Inc.	28	29	30	67	97
Yukon Kuskokwim Health Corporation	48	64	74	50	124
*Independent Village Contract Tyonek, Yakutat Metlakatla	3	4	3	0	3
TOTALS	171	205	239	225	464

*FTE=Full Time Equivalent

ATTACHMENT 3

TABLE 1
SUMMARY OF RMMNA PROJECTED NEED FOR CHP PROGRAMS
ALL ALASKA SERVICE UNITS
March 8, 1988

	(1) Direct FTE's	(2) Admin FTE's	(3) Total FTE's	(4) Direct FTE Need ($)	(5) Admin FTE Need ($)	(6) Total FTE Need ($)	(7) Support Allocation	(8) Total Need
APIA	14.2	5.7	19.9	$ 397,998	$ 219,669	$ 617,667	$ 160,593	$ 778,260
CRNA	7.0	2.8	9.8	196,196	107,908	304,104	79,067	383,171
KANA	10.6	4.3	14.9	297,097	165,716	462,812	120,331	583,144
NINILCHIK	1.6	0.6	2.2	44,845	23,123	67,968	17,672	85,640
NPR	6.7	2.7	9.4	187,788	104,054	291,842	75,879	367,720
TYONEK	2.0	0.8	2.8	56,056	30,831	86,887	22,591	109,477
ANCHORAGE SERVICE UNIT (total)	42.1	16.9	59.0	$ 1,179,979	$ 651,301	$ 1,831,279	$ 476,133	$ 2,307,412
ANNETTE ISLAND SERVICE UNIT	0.0	0.0	0.0	0	0	0	0	0
BARROW SERVICE UNIT	18.8	7.5	26.3	526,926	289,039	815,965	212,151	1,028,116
BRISTOL BAY SERVICE UNIT	45.9	13.8	59.7	1,286,485	531,831	1,818,317	472,762	2,291,079
INTERIOR SERVICE UNIT	49.3	14.8	64.1	1,381,780	570,370	1,952,150	507,559	2,459,709
KOTZEBUE SERVICE UNIT	45.3	13.6	58.9	1,269,668	524,124	1,793,792	466,386	2,260,178
MT. EDGECUMBE SERVICE UNIT	32.7	9.8	42.5	916,516	377,677	1,294,193	336,490	1,630,683
KETCHIKAN SERVICE UNIT	0.0	0.0	0.0	0	0	0	0	0
NORTON SOUND SERVICE UNIT	46.4	13.9	60.3	1,300,499	535,685	1,836,184	477,408	2,313,592
Y-K SERVICE UNIT	146.8	44.0	190.8	4,114,510	1,695,694	5,810,204	1,510,653	7,320,858
TOTALS FOR ALASKA AREA	427.3	134.3	561.6	$11,976,364	$5,175,721	$17,152,085	$4,459,542	$21,611,687

Prepared by Charles Mobraten
Ernst and Whinney

(1 of 3)

NOTES TO TABLE 1

(1) Direct FTE's were obtained from the CHPS RRM projection sheets dated February 1988 that will be used as a basis for the FY88 SURAM allocation. Full-time equivalents are based on a 2,080-hour work year. Direct FTE's represent a need for village-based providers which are providing ambulatory care services. According to the October 1986 version of the RRMNA Staffing and Resource Requirements Manual, the need for direct CHP FTE's is based on the following staffing formula:

- Each service unit is given a base staff of .3 FTE's
- One health aid is added for each additional 263 users, counted as user population
- One health aid is added for every 917 direct ambulatory encounters
- One health aid is added for every 4,509 preventive encounters

There have been changes to the RRMNA methodology that make the above formula no longer correct. For FY88 the total number of direct FTE's projected for the Alaska Area as a whole is 427.3.

(2) Support FTE's project the need for administrative support personnel. The total number of administrative support personnel that were projected is 134.3 FTE's. According to the October 1986 version of the Staffing and Resource Requirements Manual, CHP administrative staff are projected at a rate of one administrative staff per every 3 1/3 direct FTE's. Again, changes to the formulas in the model make this formula no longer valid.

(3) Summarizes the total FTE need for the Alaska area as a whole by adding columns (1) and (2). The overall total FTE requirements generated for RRM for the Alaska area for the CHP module is 561.6 FTE's.

(4) Projects the total direct FTE need requirement in dollars. Column (4) assumes that RRMNA uses an average salary cost of $35,035 which results in an average position cost for the CHP personnel category of 28,028 using a multiplier of .8.

(5) Expresses the FTE need for administrative staff personnel. It assumes that an area-wide average salary of $35,035 is used which would result in an average CHP support salary of $38,539 using the existing salary multiplier of 1.1.

(6) Summarizes the total FTE requirement in dollars by adding columns (4) and (5).

(2 of 3)

NOTES TO TABLE 1—Continued

(7) Contains an estimate of support costs associated with the ancillary general services and administrative need projections. Support allocation assumes a support cost allocation rate of 26% of direct administrative FTE need. This allocation was based on a step-down that was performed for the Alaska Native Health Board resource reallocation study and distribution model development project that was performed in January 1987. Table 2 and Table 3 contain additional information on how the 26% rate was obtained.

(8) Expresses an estimate of total RRMNA need for the CHP program including the step-down of certain support costs. For the Alaska area as whole, that need is $21,611,627. The total estimated RRMNA need for the Alaska area whole for FY88 is approximately $141 million. The need for the CHP program, therefore, is approximately 15% of the total RRMNA need for the Alaska area as a whole.

(3 of 3)

ATTACHMENT 4

COMMUNITY HEALTH AIDE PROGRAM STATEWIDE SALARY SURVEY PRIMARY COMMUNITY HEALTH AIDES

CORPORATION	# OF PRIMARY CHAs	ATTRITION RATE-PRIMARY	<> CT OT EARNED HOURLY RATE	WORK DAY	ANNUAL SALARIES HOURLY RATE x HRS./DAY	FUNDING SOURCE
Aleutian/Pribilof Islands Association, Inc.	7	14%	CT $8.21 - $11.10 hr.	15-30 hour week	$7,380-$17,316	IHS
Bristol Bay Area Health Corporation	39	37%	$11.69 - $13.79 hr.	3-6 hour week 15-30hr/week	$9,117-$21,505	IHS plus Hlt. Cor.
EEDA Regional Consortium of Tribes	1		$7.81 hr.	8 hrs/day 40 hrs/wk.	$15,000	
Copper River	6	33%	$7.00 - $9.48 hr.	20 hours/week	$7,280-$9,850	IHS
Kodiak Area Native Association	6	0	$8.20 - $12.70 hr.	6 hr/day 30 hr/week	$12,816-$19,800	IHS
Maniilaq Association	* 18	22%	$10.03 - $12.18 hr.	8 hr/day 40 hr/week	$20,862-25,334	IHS + clinic $
North Pacific Rim	5	20%	$6.82- 12.34 hr. CT	30 hr/week	$13,304-$24,068	IHS
North Slope Borough Health and Social Services Agency	** 16	44%	CT/OT $15.72 - $22.30 hr.	30 hr/week	$24,523-$34,788	IHS 23% Boro. 77%
Norton Sound Health Corporation	21	38%	$11.19 - $16.13 hr.	8 hr/day No OT or CT	$22,818-$32,905	IHS + VHS
Southeast Alaska Regional Health Corporation	13	31%	OT;$1.50/hr on-calL $6.93 - $10.45 hr.	2-5 hr/day	$8,132-$14,570	IHS
Tanana Chiefs Conference, Inc.	30	10%	CT $7.60 - 16.30 hr.	20-30 hr/week benefits - primary	$7,692-$24,480	PHS-CHA (IHS)
Yukon Kuskokwim Health Corporation	*** 74	30%	CT $7.84 - $10.51	30 hr/week	$12,230 - $16,396	IHS

<> CT=Comp time OT=Overtime

Information on CHA salaries was obtained in a statewide survey of CHAP Directors.
* IHS allocation - 18 positions
** IHS allocation - 7 positions
***IHS allocation - 64 positions - 5 positions have been split.

1/88 YKHC/CHAP

ATTACHMENT 5

COMMUNITY HEALTH AIDE PROGRAM STATEWIDE SALARY SURVEY ALTERNATE CHA INFORMATION

CORPORATION	# OF ALT. CHAs	ATTRITION RATE-ALT.	WORK DAY	HOURLY PAY RATE	PAID ONLY FOR HOURS WORKED	FUNDING SOURCE
Aleutian/Pribilof Islands Association, Inc.	6	60%	Covers for primary	$8.21	X	IHS
Bristol Bay Area Health Corporation	26	44%	Covers for primary	$11.69	X	CHR, Village Council
EEDA Regional Consortium of Tribes						
Copper River	5	16%	Covers for primary	$8.24	X	IHS
Kodiak Area Native Association	6	0	Covers for primary + 24 hrs. month	$7.50-$8.50	X	IHS
Maniilaq Association	14	14%	Covers for primary + 64 hrs. month	$10.00	X	Revenue sharing vill.
North Pacific Rim	2	50%	Covers for primary + 80 hrs. month	$6.82-$8.31	X	IHS
North Slope Borough Health Corporation	0	0				
Norton Sound Health Corporation	44	25%	32 hrs. month	$8.75	Paid standard amt. to "be available"	
Southeast Alaska Regional Health Corporation	5	20%	Covers for primary	$6.93-$10.45	$1.50 hr. stand by fee + hrs. worked	IHS
Tanana Chiefs Conference, Inc.	70	32%	Covers for primary + 20 hrs. month	$8.50-$10.00	X	IHS
Yukon Kuskokwim Health Corporation	52	63%	Covers for primary + 18 hrs. month	$7.84-$10.51	X	IHS + Village Council

Information on CHA salaries was obtained in a statewide survey of CHAP Directors.

1/88 YKHC/CHAP

ATTACHMENT 6

COMMUNITY HEALTH AIDE CURRENT STATEWIDE TRAINING STATUS
MARCH 1988

	TRAINING COMPLETED				
CORPORATION	NEWLY HIRED	SESSION I	SESSION II	SESSION III/CHP	TOTAL # CHAs
Aleutian/Pribilof Islands Association, Inc.	2	4	1	7	14
Bristol Bay Area Health Corporation	26	14	4	19	63
EEDA Regional Consortium of Tribes	--	--	--	--	1
Copper River Health Department	2	1	--	6	9
Kodiak Area Native Association	1	5	--	6	12
Maniilaq Association	2	7	4	17	30
North Pacific Rim	1	1	1	4	7
North Slope Borough Health and Social Services	--	4	--	13	17
Norton Sound Health Corporation	1	10	12	24	47
Southeast Alaska Regional Health Corporation	1	--	2	13	16
Tanana Chiefs Conference, Inc.	40	--	3	26	69
Yukon Kuskokwim Health Corporation	48	18	20	44	130
TOTAL	124 (30%)	64 (15%	48 (12%)	179 (43%)	415*

* 49 Positions vacant

ATTACHMENT 7

* MEAN ANNUAL SALARY FOR
CHAs BY CORPORATION
JANUARY, 1988

HEALTH CORPORATION	MEAN ANNUAL SALARY
Aleutian/Pribilof Islands Association	$12,348.00
Bristol Bay Area Health Corporation	$15,311.00
EEDA Regional Consortium of Tribes	$15,000.00
Copper River	$ 8,565.00
Kodiak Area Native Association	$16,308.00
Maniilaq Association	$23,098.00
North Pacific Rim	$18,686.00
North Slope Borough Health and Social Services	$29,655.00
Norton Sound Health Corporation	$27,862.00
Southeast Alaska Regional Health Corporation	$11,351.00
Tanana Chiefs Conference, Inc.	$16,086.00
Yukon Kuskokwim Health Corporation	$14,313.00

Statewide weighted annual average salary for Primary CHAs is $17,397.00.

$$* \quad \boxed{\frac{\text{Minimum Salary} + \text{Maximum Salary}}{2}} = \text{Mean Annual CHA Salary}$$

ATTACHMENT 8

SUMMARY STATEWIDE TRAINING NEEDS TO UPGRADE TRAINING TO MINIMAL STANDARDS +
MARCH 1988

	SESSION I	SESSION II	SESSION III	TOTAL
A. Current Capacity Students	78	48	48	174
B. Current Students Needing Sessions*	173	64	48	285
C. (B-A) Unmet Need Students	95	16	0	111
D. Unmet need-number of Sessions	16	3		19
E. Unmet Need This Year	16	3	3	22

TOTAL SESSIONS NEEDED **22**

+ Minimum standards: All Primary CHAs = Certified

All Alternate CHAs = Session I

* - Includes 49 Currently vacant positions

Column D represents number of students divided by 6 (Anchorage standard class size)

Column E represents need based on each student in need attending two sessions per calendar year.

This table represents current need based on current CHA training status statewide, March, 1988.

ATTACHMENT 9

Comparison of Average Monthly Lease Funds and Number of Leases by Corporation

Health Corporation	Avg. Monthly Lease	Total Number of Leases
Bristol Bay Area Health Corporation	$ 692.95	20
Southeast Alaska Regional Corporation	$ 895.00	4
Norton Sound Health Corporation	$ 1265.00	12
Maniliaq Association	$ 1094.88	9
Anchorage*	$ 796.42	26
Tanana Chiefs Conference, Inc.	$ 1109.04	22
Yukon-Kuskokwim Health Corporation	$ 1116.27	44
North Slope Borough Association	$ 1062.50	4

* Includes Aleutian/Pribilof Islands, Inc., EEDA Regional Consortium of Tribes, and Copper River Health Department.

ATTACHMENT 10

CHAP DIRECTOR SUBCOMMITTEE
MARCH 1988

CHAP DIRECTOR	HEALTH CORPORATION
Debra Caldera Chairman-Subcommittee	Yukon Kuksokwim Health Corporation
Rosemary Simone	Norton Sound Health Corporation
Barbara Knutsen	Bristol Bay Area Health Corporation
Grace Lincoln	Maniilaq Association
Marilyn Eaton	Copper River Health Department

ATTACHMENT 11

APPLICATION OF CHA ALLOCATION FORMULA TO ALL VILLAGES CURRENTLY SERVED BY COMMUNITY HEALTH AIDES

VILLAGE AND HEALTH CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Aleutian Pribiloff Island Association		
Akutan	80	1
Atka	93	1
False Pass	77	1
**King Cove	547	3
Nelson Lagoon	44	1
Nikolski	46	1
**Sand Point	671	3
**St. George	191	2
Bristol Bay Area Health Corporation		
Aleknagek	180	2
Chignik Bay	129	2
Chignik Lagoon	40	1
Chignik Lake	164	2
Clark's Point	79	1
Egegek	112	2
Ekwok	107	2
Goodnews Bay	241	3
Iguigig	38	1
Illiamna	126	2
Ivanof Bay	49	1
King Salmon	648	6
Kokhanok	68	1
Koliganek	161	2
Levelock	109	2
Manokotak	309	3
Naknek	382	2
Newhalen	165	2
New Stuyahok	339	3
Nondalton	234	3
Pedra Bay	70	1
Perryville	137	2
Pilot Point	79	1
Platinum	65	1
Port Heiden	108	2
Portage Creek	35	1
South Naknek	195	2
Togiak	556	5
Twin Hills	44	1

VILLAGE AND CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Copper River Native Association		
Chitina	40	1
Gulkana	98	1
Mentasta	66	1
Chistochina	64	1
Cantwell	91	1
**Copper Center	229	2
EEDA		
Ninilchik	451	5
Kodiak Area Native Association		
Akhiok	109	2
Karluk	114	2
Larsen Bay	217	3
Old Harbor	344	3
Port Lions	302	3
Ouzinkie	235	3
Maniilaq Association		
Ambler	255	3
Buckland	248	3
Deering	153	2
Kiana	392	3
Kivalina	285	3
Kobuk	65	1
Noatek	329	3
Noorvik	529	5
Point Hope	597	5
Selawik	589	5
Shungnak	226	3
North Slope Borough Health Department		
Anaktuvuk Pass	238	3
Atgasuk	190	2
Kaktovik	209	3
Nuiqsut	337	3
Point Lay	104	2
Wainwright	508	5

VILLAGE AND HEALTH CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Norton Sound Health Corporation		
Brevig Mission	164	2
Elim	237	3
Gambell	494	5
Golovin	131	2
Koyuk	202	2
Little Diomede	158	2
St. Michaels	287	3
Savoonga	487	5
Shaktoolik	163	2
Shishmaref	410	5
Stebbins	372	3
Teller	247	3
Unalakeet	759	6
Wales	143	2
White Mountain	164	2
North Pacific Rim		
Chenaga Bay	99	1
English Bay	192	2
Port Graham	188	2
Tatitilek	112	2
Southeast Alaska Regional Health Corporation		
Angoon	588	5
**Craig	924	2
**Hoonah	917	4
Hydaberg	463	5
Kake	634	6
Klawock	613	6
Tenakee Springs	142	2

VILLAGE AND HEALTH CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Tanana Chiefs Conference Inc.		
Allakaket	188	2
Artic Village	132	2
Beaver	80	1
Chalkyitsik	94	1
Circle	94	1
Eagle	79	1
Evansville	86	1
**Galena	947	1
Hughes	92	1
Huslia	272	3
Kaltag	278	3
Dot Lake	77	1
Koyukuk	143	2
Manley	88	1
**McGrath	509	1
Minto	209	3
Nenana	544	2
Nikolai	122	2
Northway	146	2
Nulato	368	3
Rampart	59	1
Ruby	241	3
Steven's Village	97	1
Tokotna	54	1
Tanacross	149	2
Telida	38	1
Tetlin	89	1
Venetie	237	3

VILLAGE AND HEALTH CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Yukon Kuskokwim Health Corporation		
Akiachak	459	5
Akiak	289	3
Alakanuk	556	5
Aniak	481	5
Anvik	83	1
Atmuautluak	234	3
Chefornak	277	3
Chevak	532	5
Crooked Creek	126	2
Chuathbaluk	124	2
Eek	257	3
Emmonak	613	6
Grayling	225	3
Holy Cross	238	3
Hooper Bay	686	6
Kalskag	154	2
**Kasigluk	405	4
Kipnuk	408	5
Kongiganek	291	3
Kotlik	409	5
Kwethluk	546	5
Kwigillingok	244	3
Lime Village	48	1
Lower Kalskag	281	3
Marshall	281	3
Mekoryuk	152	2
Mountain Village	682	6
Napakiak	299	3
Napaskiak	303	3
**Newtok	207	2
Nightmute	153	2
Nunapitchuk	356	3
Oscarville	63	1
Pilot Station	425	5
Pitka's Point	106	2
Quinhagak	453	5
Red Devil	42	1
Russian Mission	231	3
St. Mary's	458	5
Scammon Bay	304	3
Shageluk	144	2
Sleetmute	130	2
Sheldon's Point	124	2
Stony River	92	1
Toksook Bay	362	3
Tuluksak	321	3
Tuntutuliak	293	3
Tununak	318	3

VILLAGE AND HEALTH CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Independent Village Contracts		
Iyonek	269	3
Yakutat	456	5
Metlakatla	1544	1
	Total Number of FTEs Needed	448

*Alaska Population Overview, 1985 Estimates, Alaska Department of Labor, April 1987.

**Formula application to this village modified by CHAP Director's knowledge of conditions in a specific village.

ATTACHMENT 12

WORK SCHEDULE BASED ON CHA ALLOCATION FORMULA
DEVELOPED MARCH 1986

Village Population 25-100 1 FTE made up of two 0-5 FTE (5 hr work day) Workers A & B

Month	1	2	3
Wk 1	AB	A	B
WK 2	A	B	AB
WK 3	B	AB	A
WK 4	AB	A	B

This gives a schedule of 2 wks on, 1 off for both A and B

When both work, they can catchup on clinic administration duties, ordering supplies and drugs, preventive care, and monitoring the care of home bound patients.

Village Population 100-200 2 FTE , 6 hr workday, Workers A and B

Month	1	2	3
Wk 1	AB	A	B
WK 2	A	B	AB
WK 3	B	AB	A
WK 4	AB	A	B

This schedule gives 2 weeks on and 1 off.
This schedule includes the same benefits listed above.

Village Population 200-400 3 FTE , Workers A,B and C

Month	1	2	3
Wk 1	AB	BC	CA
WK 2	BC	CA	AB
WK 3	CA	AB	BC
WK 4	AB	BC	CA

This gives a schedule of 2 wks on and 1 off.
Although this does not give "double staffing", staffing is adequate to perform acute, chronic and administrative duties.

Village Population 400-600 5 FTE , Workers A,B,C,D and E

Month	1	2	3
Wk 1	ABC	BCD	CDEA
WK 2	BCD	CDEA	ABE
WK 3	DEA	ABE	BCDE
WK 4	EAB	BCD	ACD

This gives a schedule of 2 wks on, 1 off. See notes for 1 and 2 FTE - same advantages but some irregularity of extra staffing.

Village Population 600-900 6 FTE , Workers A,B,C,D,E and F

Month	1	2	3
Wk 1	ABCD	CDEF	EFAB
WK 2	CDEF	EFAB	ABCD
WK 3	EFAB	ABCD	CDEF
WK 4	ABCD	CDEF	EFAB

This schedule gives 2 wks on and 1 off with adequate coverage for acute care, administrative tasks, and preventive care.

NSHC

NORTON SOUND
HEALTH CORPORATION

P.O. BOX 966
NOME, ALASKA 99762
(907) 443-5411

August 17, 1988

Senator Daniel K. Inouye, Chairman
United States Senate
Select Committee on Indian Affairs
Washington, DC 20510-6450

Dear Senator Inouye:

I am writing on behalf of forty-four Community Health Practitioners (CHP's) and Alternates Health Aides working for Norton Sound Health Corporation in fifteen villages within the Norton Sound Region. Villages being 70 to 200 miles from Nome, which has the nearest Hospital, the only access into Nome is by airplanes, no roads are available.

We need additional health care personnel in the villages, in order to give the optimum care needed to the people, as CHP's work with & for all Departments within the Hospital. They work without sophisticated medical equipment, without the latest technology, seeing a population with problems such as suicide, alcohol, & accidents caused from usage of snowmachines, rifles, boats, 3-wheelers, knives, and chainsaws.

The CHP's receive training from Village Health Service (VHS), a branch of Community Health Services under Norton Sound Health Corporation. VHS trains the CHP's with a staff of 2 Coordinator Instructors, and 1 Curriculum Coordinator. VHS is in need of more trainers, recognition as, and more funding if, we are to continue as a training center.

I have worked in Elim, Alaska, population 284, from 1978 until 1985 as an Alternate Health Aide, Community Health Practitioner, and National Guard Medic. I am now a Physician Assistant and Director of Village Health Services. I understand the Rural Alaska Health Care System and know we need increased funding to support professional training and additional health care personnel here in the Norton Sound Region. We know you are interested in helping solve the problems that face Native Americans, thank you for hearing our concerns.

Sincerely,

SHIRLEY M. DANIELS, DIRECTOR
VILLAGE HEALTH SERVICES
NORTON SOUND HEALTH CORPORATION

Mountain Village Clinic
Mountain Village, AK 99632
July 22, 1988

Dear Sir,

Today the village mourns for a six year old boy who was accidentally shot by his nine year old brother. The boy expired the afternoon of the 19th - while enroute to the hospital via airplane. Yes, all three of the health aides responded to the emergency call but with such limited training there wasn't much that we could do.

This letter is in support of the 7 million dollar funding as even a little money set aside for health care makes a lot of differences as far as advanced training for the health aides.

Thank you for taking the time to read this letter.

Sincerely,

Martha P. Flores

St. Mary's Clinic
St. Mary's, AK 99658

Dear Senators and Congressmen:

I am writing again, concerning the fundings requested for all village health aides in the Yukon Kuskokwim Health Corporation.

I don't know how much knowledge you have on Alaskan's village health aides. But, I will tell you that we health aides are our people's greatest health providers in our communities. Who are always in the line taking in responsibilities of any natural disasters.

Please help us, because our needs are greatly needed for salaries, better clinics, equipment, more health aides and trainings.

I hope this support letter will help all health aides. Who have been strong enough to stay on this job long enough baring all the risks and stresses.

Sincerely Yours,

Martha Potter
Community Health Practioner

General Delivery
Tuntutuliak, AK 99680
July 22, 1988

Dear Senators and Congressmen:

Hi! My name is Lena Chase, Primary Health Aide for Tuntutuliak, Alaska. Population 450 to 500. Please send Health Aide Program 7 million dollars now, we need it!

The Health Aides in Alaska are overworked and underpaid, or burned out, too much on-call 24 hours a day.

Communities in villages lose some good and reliable health aides because they had enough of this line of work. Some really like there position as Health Aide, but they get tired of not being able to meet there bills to pay or not having to have enough to buy few fresh vegetables or fresh fruits for their families, and they quit and look for a higher paying job elsewhere. And that means the Village Councils and Health Aide Services together have to hire a new health aide and get her/him trained for the job. So we really need that money now for the program to survive.

I really like my job here in the village, but sometimes I get to thinking maybe I should just quit and look for a higher paying job in Bethel, but that would mean moving from my home village, and I'd rather stay here and work.

Please listen to us and send money now.

Thank you.

Sincerely,

Lena Chase, CHA

General Delivery
Akiachak, AK 99551
July 22, 1988

Honorable:

I believe you received letters from Community Health Aides and other Health Aide Supporters from Alaska. My name is Moses Frederick, I myself am a Community Health Aide too from Akiachak, Alaska. Population of over 500 people. It will be my 9th year on August 28, 1988. I am writing, and asking you to support us. It is not easy being a Community Health Aide in a village, being on call 24 hours a day, 365 days a year working for a very low salary. There are emergency calls at night, early morning hours, after clinic hours. We the Health Aides get overworked, burned out and stressed, that's why I was on leave for one year without pay in the year of 1986. I came back to work November 1987. Also villages lose excellent Health Aides leaving their jobs cause of low salaries. Some don't come back after resting burned out and stress. If you support seven million dollars fund money for the Health Aides, there would be more training and supervision and better Health Aide salaries that is badly needed.

Community Health Aide Program has been and will continue to be the "Back Bone" of Alaska's rural health care delivery system. It is the single most important health program for villages throughout Alaska. Yet... it is a program is Crisis. Please support us. I am including a story I had experienced in my work.

Thanks,

Moses Frederick, CHA

Enclosure.

This was the year of 1981. I was gotten by a one month old baby girl's mother at twelve midnight in the month of October. The mother told me her child had stopped breathing and around her mouth it was purple. I got to their home - the child was breathing fast - hurriedly I went to get my clinical supplies from the clinic. During my exam on the child I found out the child had no fever - respiratory rate was around 60 a minute. All exam was in normal - during the exam the child stopped breathing - face turned blue - I did a mouth to mouth breathing to a one month child almost every hour all night long. At that time the weather was in bad condition - snowing - high winds - small planes couldn't come to the village. I talked with doctors who's on Health Aide call, about the child. He didn't want to give medication cause on my examination was no abnormal finding. Even the doctor wanted to send a plane to the village to get the child to the hospital, but couldn't do it cause of bad weather conditions. All night long I was doing mouth to mouth when the child stopped breathing. Next early morning weather cleared up a little, but the doctor who I talked to sent a plane to my village to get the child to the hospital. I escorted the child with the mother. In the hospital they examined the child - they found nothing. What was the problem - what makes a child stop breathing? X-rays were normal -but they let the child stay in the hospital. That evening the child started to have the same problem - breathing problem. They sent the child to Anchorage hospital the same night. They found out she had hemophilis infection - viral syndrome. Today the child is in Akiachak - running around going to school - playing with other kids. When I see her it makes me proud she is alive.

General Delivery
Holy Cross, AK 99602
July 22, 1988

Dear Senator Stevens, Congressman Young, Gerald Ivy, Debra Caldera (C.H.A.P. Directors), and Mary Barney

My name is Carolyn Chase; I have just recently been hired in October of 1987, as an alternate health aide, for the village of Holy Cross, Alaska. I have been asked from some of our supervisors in Bethel to write a letter to you all, concerning ourselves and our work as a health aide, from everything that goes along with it, to the low pay we feel we receive. A job that is so important to the "safety and well being of all the Residents in our area".

First of all, I would like to include a little information about myself. I am 25 years old and the mother of a 2 1/2 year old little boy. I have been working as a alternate health aide for about 8 months. I applied for the job, because I felt it would give me needed experience in working with the community. I was also interested in learning more about health care and treating patients with any problems they might have. Besides that, I needed and wanted a permanent job for income. I also feel that since being a health aide, I have learned a lot since I was hired. When I first was hired, I did not know anything about any type of sickness or how they were to be treated. When my son would get sick with a high fever and rapid respiration, I did not suspect what was going on or did not know what to do about it. But now that I have more knowledge about sickness and dealing with it, I am more prepared to deal with sickness and act immediately whenever I feel there is something going wrong with my own child or with any others. I also know more about life threatening emergencies and what should be done about them, such as severe bleeding, wounds, unconscious people etc.

Before I was hired, there was a guy that got stabbed with a knife, who had come to our house, but I didn't have the first idea of what to do. But now I know that direct pressure must be applied to stop the bleeding. Since being hired, I have been involved in two serious accidents; one a serious head injury from a wreck, and the other a recent (July 17, 1988) gunshot fatality of a 6 year old to the head. So from being a health aide we have to deal with all sorts of problems from a minor cold to tragic accidents.

I have learned from the recent accident, that we have (should) to always be ready and react immediately to any type of injury or accident reported. We never know when something terrible is going to happen. Besides having some hands on experience as a health aide I have only been to one training session, and that was for a "new hire" training for 10 days in Bethel. But "Session I" should be occurring sometime during this fall and another one during the mid winter.

When we are not at the clinic between 9am and 4pm seeing patients, we are making house calls, and available for any emergencies. We are always on call during the evenings and on weekends for any problems.

Even though we have two primaries and two alternates we all work a full six hours a day. The two alternates are only required to put in three regular days a month. But whenever one of our two primaries are not working, alternates take their place and work with the other primary.

So as you can see, we do a lot here during the week, seeing patients, making travel arrangements, making appointments, doing house calls, checking prenatals when needed. We also work with any doctors, nurses, dentists and social service agencies when they are in town. Not to mention working with our supervisors when they come in.

Our work at the clinic is not hard, just long hours away from our families, when we should be helping out putting away fish, berries, and meat etc. Right after work at 4:00pm, I have to rush home, pick up my son, and stop at the store when needed, than start dinner around 5:00pm, while in between doing the dishes, laundry and cleaning the house as needed. So when we are working a full two weeks, you can see we are kept away during the day and very busy when we do go home. But I enjoy my job, and am still learning as I go along.

The only part I would find hard is dealing with the emergencies that could happen any time. If anything happens we the health aides are responsible for taking care of the patients as best as we can.

So even though our job is sometimes demanding with long hours away from our families, we feel that we do not get adequate pay for the job we do, to keep everyone satisfied and healthy. There are a few people in town who make over $10.00 an hour as secretaries, and we still get under $10.00 an hour for caring for and treating patients with all kinds of problems. We should at least get a few dollars more per hour for services we provide for our community.

There are some people in town who think we are all making lots of money for just sitting around and doing nothing all day. Our job is not physically hard at all, but who would the people go to if they had an immediate problem, both minor and major?

So if you would read this and sort of understand what is required of us in the job, what we do and to see that we are underpaid for the work we offer.

If there is anyway you would support us in our work, and vote to get more funding to continue our services, it would be most greatly appreciated for your involvement and support. (P.S. I have never written to any "Senator" or "Congressman" before, but I hope you would support us)

I would also like to include that we have a population of about 280-290 people in our community. And we live in a remote area in the lower Yukon river. The nearest hospital is about an hour's ride by plane. So you see we do not have a doctor here at all times. The only contact we have with them is by daily "scheduled medical traffic" by phone, that is the way we report any patients who are very sick and or need to be sent out etc. So we are not professional doctors or anything, but are instead required to act and give the best care that we know how when needed.

I thank you all for taking the time to read this and for your support if you decide to do so.

Sincerely

Carolyn Chase
Holy Cross Clinic
Holy Cross, AK
99602
(907) 476-7174

General Delivery
Hooper Bay, AK 99604
July 22, 1988

Dear Senators and Congressmen:

I Margaret K. Bell am one of the primary Health Aides here in Hooper Bay. I have worked here as a Health Aide for about 2 1/2 years now. It's hard to be a health aide and being a mother for the children at home. We primaries work 5 days a week for 6 hours a day, and are on call for the weekends and after clinic hours. Sometimes we health aides have to stay up with the patients until they go into Bethel. And we see patients after clinic hours if we have to. Also, if we have sick children at home we stay up with them and go to work the next day. It is the hardest job being a health aide and yet we get paid for only 6 hours a day that we work. We never get paid for the after clinic hours and on-call hours, we only get paid for 5 days, 6 hours a day. Yet we do a lot of work for the people in our village. Sometimes we get a down feeling from people, yet we health aides are doing our best to help them in their health.

We need more money for the health aides. Our pay is not enough for 1 big family. I myself have 1 big family and I'm the only person who is supporting my family. I have 8 kids 17-3 months old. We pay lots of payments to pay our bills to support a family. So please help us with the CHAP money, so we may have more pay for the Health Aides.

Thanks,

Margie K. Bell
Health Aide

General Delivery
Holy Cross, AK 99602
July 20, 1988

Dear Sir:

I have been a health aide for 13 years. Two years as an alternate and 11 years as a primary. People take us for all trades, social services, mental health, home makers. You name it we do it, because people have faith in us. We are called out from our homes.morning noon and night, including weekends and we walk the streets, go to stores or bingo, wherever we turn people have problems or ailments they want us to know something with no freedom and yet we only get paid for 6 hours a day 5 days a week. In the 13 years I've worked I have had 17 health aides that quit on me, the reason for higher paying jobs. Some quit cause they can get more money in welfare checks, with food stamps. Some ex-health aides ask me how come I work for chicken feed. My answer is I love everyone. I would feel very guilty if I didn't help someone that is in need of my help.

I think health aides are saving the government a lot of money, for we cure many people who are very sick. Home care is cheaper, otherwise every one would be going to the hospital through medicaid and medicare. So I think we are doing a good job. Even though it seems we are not considered very important. It makes me feel cheap being a health aide earing the cheapest wages. Here at my village our city clerk gets 15 dollars an hour, my daughter gets about $9 hundred every 2 weeks, she is the school secretary.

Please all you good people, Congressmen and Senators, please help us health aides and also we can help you by our votes if you help us.

Thanks,

Theresa Demientieff
Holy Cross, CHA

P.O. Box 5499
Chevak, AK 99563
August 8, 1988

Dear Senate and Congressmen:

I am writing in support of the 7 million dollars fund to Health Aide Services in Alaska.

Out here in rural areas it is at times difficult and it takes big efforts to help a lot of people. When they need medical help sometimes we'd have to work overtime. You have no idea of how people are around here in a village. All the health aides know all the people and some people expect us to be miracle workers which we are not. You'd have to work around to the level of people to make them understand and it can be very stressful at times. Then after working at the clinic we go home to a houseful of kids and have to take care of them. This adds more burden to us because we have used up all our energy at the clinic.

There are times when we have to bring our own children to Bethel for further treatment and we cannot afford it. We ask ourselves "we're working everyday to earn a living and we can't bring our own children for further treatment?" Since we have to make payments upon payments in order to live in today's economy. It is especially hard during winter months, because we'd have to buy gallons of stove oil in order to stay warm in your own home. Out here in rural areas it gets very cold and we don't have 12 months of summer, and we don't hop in a car to go to work. We'd have to walk to go to work. So, I'm asking for your support. We haven't met before but we've given you our votes when you ran for election. Without our votes you would not be there.

Thank you,

Maria M. Boyscout

General Delivery
Chevak, AK 99563
August 8, 1988

Dear Senate and Congressmen,

I am writing in support of the $7 million dollar fund toward Health Aide Services here in Alaska. Here in Alaska it is hard to live financially getting stove oil to keep ourselves warm. Even that isn't enough, we have to get white gas for extra warmth, groceries to feed us, with children to feed and cloth, making sure they look good for everyone and school.

Working in a big village like this is like working in a small hospital, except we don't have doctors, or Registered Nurses. There is continuous health care day in and day out. We work just as hard as doctors and nurses here in our clinic. Sometimes we don't have all the equipment we need for proper health care. And it cost much money to travel for further care. We do the best we can to make ends meet. But when it comes to losing a patient after trying our best, it really hits us physically and emotionally. Somehow we find energy to step back and go on. All the support we give to the patients and families seem not to be enough. We try to build up enough strength to go on and on. Because we know there is more to come. I am proud to say we do a good job. Cause we get a lot of support through our good nurses and doctors in Bethel. We get our strength back somehow with a lot of support.

Getting that fund open and passed will be a lot of help for health care workers here in Alaska. Knowing we have our congress and senate all behind us. Knowing they want to help us help a lot of people. Because I supported them when they wanted our help to get to the top. We will have a better community health care with all your support and funding. And more equipment to have a safe and healthy community. Knowing all of you are behind us.

Thank you for your time

Dorothy Chayalkun

General Delivery
Quinhagak, AK 99655
July 22, 1988

Dear Congressmen and Senators:

I am the Health Aide from Quinhagak, Alaska which is located 60 miles south of Bethel, population about 500 people. Only 2 Primaries and 2 Alternates. I support getting the 7 million dollars. We need more trainings and improvements. We are the doctors eyes, they listen while we talk and see through our eyes.

I am the mother of 4 kids ages 9-3 years. And sometimes they don't see much of me, when I have to work all night and all day without sleep. And have to go home and do my housework and feed my family. In the villages Health Aides take care of all the medical cares and emergencies. We are social workers, mental health workers, alcoholism counselors, marriage counselors, etc. Here in my village we do not have those centers, we take care of all of them here in the clinic. People depend on Health Aides all the time. When they have problems they turn to the health aides. When the weather is bad and planes are not flying we have to be with the patient until we can transport them to the hospital. Being a health aide is very difficult. You have a lot of responsibilities. We work long hours with little pay. I wish someone from your site could see how hard we work with lots of stress. We are overworked. We deal with life and death in the village all the time.

Sincerely,

Fannie Hernandez
Health Aide from
Quinhagak

General Delivery
Quinhagak, AK 99655
July 22, 1988

Dear Friends in Congress:

I am the Health Aide Alternate-2 here in the village of Quinhagak, Alaska. I am the mother of three kids and I support getting the $7 million.

Being a Health Aide is very, very tiring and difficult without decent training here in the village with over or close to, 500 people. There are 2 Primary health aides and 2 Alternates.

We're on call 24 hours a day and sometimes we all work without sleep just to accompany a patient (who needs help) until he or she is transported to the Bethel hospital.

We need more training and improvement on how to take care of emergencies because the people of Quinhagak depend on us, and because WE CARE. Thank you for your time.

Sincerely,

Martha Bavilla
Health Aide Alt. 2

General Delivery
Aniak, AK 99557
July 27, 1988

Dear Senators and Congressmen:

I am writing to you in support of a requested $7 million dollars for training of Alaskan Health Aides, and promoting of clinical staff. I know this is badly needed throughout the State because I am an Alaskan Health Aide working in the Yukon-Kuskokwim region. I have had Session I training over one year ago and I need more training for the care I am giving. Where I live in Aniak milk cost $6.00 a gallon, and my wages are only $8.00 an hour, which I believe is the reason for such a high turnover of health aides in Alaska. For that small amount I'm supposed to give adequate care at anytime and any place such as outdoors in the winter time when it is -40 degrees and blowing. Several times I have come back home with frost bitten hands, also for $8.00 an hour I get sent to other villages for weeks at a time because they need for someone to run their clinic which in turn keeps me from my home and loved ones. I believe I have risked my life one too many times over and over again in foul weather and in small aircraft rushing patients to a hospital over one hundred air miles away with such low pay and so few health aides to do so much. We are very over worked which in turn causes stress, burn out, and finally resignation.

I know you have the power to help us here in Alaska so now I'm asking you to help me help give better care to Alaskans.

Thank you,

Kevin Wright
Health Aide
Aniak, AK

June 16, 1988

TO: Congressman Don Young
House of Representatives
2331 Rayburn House Office Bldg.
Washington, DC 20515

FROM: Community Health Aide
Newtok Clinic
Newtok, AK 99559

I am writing concerning about Community Health Aide Program in Crisis.

I am the new primary health aide in this small village, population of 200-250 residents. I started eleven months ago as an alternate. As I started working I thought this job could be the easiest job I've chosen. As I went along, I began to understand that this job is not what I thought it would be. This job is very stressful to be a health aide. I have to be "on call" for full 24 hours 7 days a week for 12 months. Before I went to training, I didn't know what to do. All I knew was to see sick patients with a trained health aide. Sometimes I couldn't comprehend what was going on in the health care system. I thought it was no sweat in seeing the patients when they come to be cured. But it's not that way for untrained health aides. We have to be professionals in the health care system. We have to know what is wrong and report that to the doctor by phone. We are like the eyes for the doctors.

Good thing the Yukon Kuskokwim Health Corporation in Bethel provide us to go to training for health aides. We attend pre-session for 1 week. This training is to understand the beginning of Session I and to prepare for it. The training really helps us a lot. It helps us to understand in the health care system. Session I is a 6 week course. It covers what we didn't learn and didn't know. We study Patient

Encounters, vital signs, diseases and so on. After 2 weeks we attend Emergency Trauma Training which lasts one week. This is also helpful, it covers a lot of things. It covers CPR, how to handle emergency situations. We provide care to ill patients, well child, emergency care, and etc. There is also other sessions we have to attend in order to become a paraprofessional health care provider. If there wasn't any trainings for health aides in the region, probably there would be no health care providers in Alaska nowadays. But gladly they let us go to training. But now I am hearing that the Community Health Aide Program is in Crisis due to underfunding. So I ask each and every one of you Senators and Congressmen to support the funding for Alaska Community Health Aide Program in Alaska,

Sincerely,

Elaine Tom, CHA

Akiak Clinic
Akiak, AK 99552
June 10, 1988

Dear Sir:

I have been with the Health Aide Program since it was born - My 21 years of service to my people. I have been trained over the years and I think I can perform my duties. Health Aide Program taught me:

1. Emergency delivery in village
2. Prenatal care in villages - 8 1/2 months - (36 weeks to Bethel)
3. Post natal care - after delivery - when women return to village
4. Well baby care - head circumference, weight, height, immunizations
5. Draw blood - hepatitis - sugar
6. Pap smears - yearly - or every 3 months if needed
7. GC culture taking - orders of physician
8. follow-up patient care - after patient is discharged from the hospital
9. Referrals (ears - eyes) chronic type is referred
10. Emergencies (trauma - CPR - etc.) life and death
11. School screening K-12 (weights, heights, Hgb., snellen, urine, blood pressure)

A. Head Start Screening-
There is more:

12. help doctors in field trips
14. Public Health Nurses - field trips
15. Maternal Child Health - field trips
16. HIP Project - field trips
17. Dental - field trips
18. Eye Doctor - field trips
19. Ear Specialist - field trips

20. Order medicine ~~monthly~~ - check all out dated - mail to pharmacy

21. Auto refill medicine - check all patients who are on medicine daily three times a year.

Health Aide Program is our crutch - they are in contact on daily basis by telephone. We are thankful for all the training they give us. There are 2 new Health Aides here that need more training.

Our salary is so low for all the work we do. We are frustrated - exhausted - too many demands from the patients. Twenty four hours on-call for emergencies, even on holidays we keep our ears and eyes open.

Anchorage - Barrow - Fairbanks - Bethel - get all kinds of monies to beautify their cities, while we need all kinds of monies to continue our training and raise our salaries.

We hope that you will think hard for this because we're suffering for money, and believe us we sure will think of you next election.

Thank you for
your attention,

Mary R. Phillip, CHP

Olinka M. Jones, CHA

Akiak Clinic
Akiak, AK 99552
June 10, 1988

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We hope that you will think hard for this because we're suffering for money, and believe us we sure will think of you next election.

Thank you for
your attention,

Mary R. Phillip, CHP

Olinka M. Jones, CHA

General Delivery
Mekoryuk, AK 99630
July 22, 1988

Dear Senators & Congressmen:

Hello Congress!

I've been a health aide for 8 years and I've never complained of my salary no matter how few it was - because I love helping people, I'm happy when there happy. For starters I received $200.00 a month before training, and I could see why we lose so many health aides, because they work so hard, and do not get very much. Everything costs so high in the villages, two weeks pay today lasts almost a day for me, even flying into Bethel is high.

I know health aides need a good pay for the kind of work they do, they are everything in the village. The clinic is there hospital which is not fully equipped; they are the eyes and ears of the doctors, and they are everything from Dentist to Doctors.

I think if the health aides get good salaries the villages will have less changing or quitting health aides.

Please! help us
Give us a Raise
Be kind to us
and we'll love you sooo! much!

Sincerely,

Sally Whitman, CHP

P.O. Box 20033
Kotlik, AK 99620
June 9, 1988

Dear Congressmen & Senators:

I am a Health Aide from Kotlik and have worked as a Health Aide with little training. I've had two trainings so far. My first training was in October, 1987 and the second one in March of this year. I was surprised at the training because I was trained very fast about each body system and how each body system worked. There are times when I think back to the trainings and wonder if I had learned enough to take care of the people here in Kotlik. There are times when I have to ask my partners for help and advice due to things I haven't learned in training yet. Being a health aide is very stressful, frightening, and very hard for us because of the little training we have. I am expected to be the eyes, ears and hands of the doctor and to assess to the best of my ability the illness. Sometimes it is very hard to tell what the patient's disease is and you wonder if you did the right thing for the patient or if you could have done more to help the patient.

There are times I would like to go back for training on Session one and two because I would really like to learn more on those two trainings I had before going on to the next session. At times I would get so angry and frustrated due to how we were taught. We were taught about one specific body part and the disease related to the body part. We then would go on to another disease and body part the next day or so. Can you imagine how hard it is for us to try and learn all this so fast in a very short time. I am a health aide asking for help who has had little training and being underpaid.

Can you imagine what it is like for me to check patients with each different illness. There are some that are minor, severe and some with long-term illness. It is so hard for us. We are on call twenty-four hours a day for seven days a week for emergencies and work six hours a day for five days a week. My partners and I take turns being on call for emergencies. We divide the on call schedule for each month. When it is my turn to be on call, there are times when I get frightened, because I do not know what to expect. When I am on call I am walking and rushing to check the patient and I start to imagine how seriously ill the patient may be or how serious the accident can be.

Will he still be alive when I get there? Will I need to medivac the patient, does he or she need an escort, will I have time to call the doctor by phone? Just writing this letter about all the serious illnesses and accidents makes my heart pound with fright. Just recently we had a patient with a severe asthma attack. At that time we were told that he had started around 9am and stopped breathing for about 10 minutes and that his body turned blue. His two sons had done CPR and revived him. So my partner and I had taken over when we got there. He had a very weak pulse and shallow breathing. The next thing I knew was my partner saying he stopped breathing. She then did CPR on him for about 20 minutes. He then was revived again. At that time I had gone to call the hospital to talk to the doctor for transportation and to keep him posted on how the patient was doing. There was a doctor and a nurse who came to pick him up. Seems like it took forever for them to come. The nearest hospital is about 180 miles away. To get to the hospital you need to take an air plane. Direct flight takes about one hour and 45 minutes. Can you imagine how frightened I was waiting for the plane to come with the doctor and nurse. I kept on thinking what if he stops breathing again. Will he make it this time? My thoughts went on and on but I knew that I had to keep in control of myself for the safety of my patient. So I then started taking his vital signs every 15 minutes. Finally the doctor came and took him to Bethel.

This is my first terrifying experience as a Health Aide. Can you imagine how terrified and afraid I was and I still feel in a daze. This is only one of the scary incidents that have ever happened to me. Imagine how many more times incidents like this can happen. I've tried my best to explain how hard it is to be a Health Aide and the needs of a Health Aide. Please help and pass the Community Health Aide Bill

Sincerely,

Janie Teeluk, CHP

June 9, 1988

Janie Teeluk, CHA
P.O. Box 20033
Kotlik, Alaska 99620

Dear

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This is my first terrifying experice as a Health Aide. Can you imagine how terrified and afraid I was and I still feel in a daze. This is only one of the scary incidents that ever happened to me. Imagine how may more times incidents like this can happen. I've tried my best to explain how hard it is to be a Health Aide and the needs of a Health Aide. Please help and pass The Community Health Aide Bill.

Sincerely,

Janie S Teeluk

Janie Teeluk, CHP

YKHC
Yukon-Kuskokwim Health Corporation
"Fostering Native Self-Determination in Primary Care, Prevention and Health Promotion"

Health Aide Services
Yukon-Kuskokwim Health Corp.
P.O. Box 528
Bethel, Alaska 99557
(907) 675-4471

June 13, 1988

Dear

I'am writing this letter as an Ex-Health Aide and as a Supervisor/ Instructor for Community Health Aides of seven villages that I travel to.

I'am in support of the proposal sent by the Yukon-Kuskokwim Health Corporation Health Aide Services Program for more money for the Community Health Aide Program.

I was a Health Aide for many years, a volunteer Medical Aide from 1958 to 1968.

In February 1969 I became a permanent CHA and began my training in April of 1969, I had seven children my oldest was nine years old and my youngest four months old, my salary then was $210.00 a month before taxes. I worked six hours a day, five days a week, on-call on weekends plus being available twenty four hours a day without pay incase there were any emergences. I became a Certified Health Aide/ Practitioner on April 29, 1976.

With more training there is more work to do since there are more duties to perform. With my experience I covered other villages in my area doing radio medical traffic and patients coming to the Aniak Clinic to see me.

It is hard being a Health Aide and not being able to save your own child, it becomes very emotional. My youngest daughter was accidentally shot at age five years old and died, each time there's a tragedy we relive the experience. Because there is no one to replace you have to continue to work with the knowledge and experience gotten from your training. Many Health Aides feel guilty if they quit so the stress is always there.

I worked as a paid CHA from February 1969 to December 1981, in 1978 I had another child which brought me back up to seven children and trying to work with a small child and babysitter difficulty. In 1981 I got a medical release from work as a CHP because of a medical problem brought on be stress. I was out of work for eighteen months and did everything to make myself better, the only work I know and enjoy is what I am doing to help others, I overcame some of the stress related problems and got this job as a Supervisor/Instructor for CHA's. There is less stress, but having been a CHA it is an important job to have to support our CHA's. We S/I's have had the experience as CHA's and can help them through their stress and hard times. The S/I program is very important to the CHA's and we need more S/I's to take some of our villages and limit an amount for each S/I, I have seven villages to travel to and it takes me from July to June of the following year to make my two trips to each, towards the end of the year we get stressed out trying to meet the deadline.

YKHC
Yukon-Kuskokwim Health Corporation
"Fostering Native Self-Determination in Primary Care, Prevention and Health Promotion"

I do hope that the money can be found to support the Community Health Aide Program and the Supervisor/Instructor Program, so that we can better serve out people in the bush.

Sincerely,
Clara Morgan, CHP/SI
Clara Morgan, CHP-SI
P.O. Box 72
Aniak, Alaska 99557-0072
(907) 675-4471

P.O. Box 528 Bethel, Alaska 99559 (907) 543-3321

General Delivery
Mekoryuk, AK 99630
July 22, 1988

Dear Senators & Congressmen:

I'm a Health Aide for the community of Mekoryuk, located on an island off of Bethel. Please, locate that island on your map, Nunivak Island and than think!! In case of an emergency how do you think we feel? Especially for an untrained Health Aide - what if the phones aren't working? What do I do?

I support that 7 million dollars and that's what we or Health Aide Services need it for, to train more Health Aides and to have better equipment.

We live so many miles away from the hospital it's scary, and I sometimes wish there was a doctor living here. You live near the hospital; we don't. Please imagine yourself where I live.

Thank you,

Sally Whittman
Health Care Provider
for Mekoryuk

General Delivery
Hooper Bay, AK 99604
July 22, 1988

Dear Senators & Congressmen:

I, Magdalene L. Smith am writing to you to ask for your support in getting more pay for all the Health Aides in Alaska.

Many of you probably do not know how it is to live in small villages without cars or telephones. I have been working as a Health Aide for almost 20 years. I started September 1, 1968. I did not get any kind of training towards health, then. That 1st month I worked I was paid $30.00. I thought that was a lot of money since I never worked before. I'd work several hours a day, report every patient I saw to the doctors in Bethel everyday. Now that I've had trainings and know much more about health problems it wasn't necessary that much to report sore throats and common colds. Now that a lot of unexpected accidents happen in every village, the Health Aides have to be ready for them. Any emergencies happen any hour of the day, whether the health aides are working in the clinic, taking care of families at home, eating or sleeping.

I have taken care of a lot of suicidal attempts, like gunshot wounds or overdoses. There were suicidal attempts who succeeded. There have been a number of drownings. Months dates and years I can't now remember.

There also have been fire deaths in the past years. Last March 31st, four family members were brought to the clinic with no signs of life. They died during their sleep from heat and smoke inhalation.

Unexpected accidents like these make the health aides work more, exhausted at the end. We also had 2 young men who had fatal sno-go accidents January 1, 1986.

Being a Health Aide is no easy job. It makes us tense and expect to be called at anytime. If there were no health providers in the villages it would cost more money for people to travel to the nearest health facility to get care.

Many times (in winter) we have to make home visits when the weather is very bad and take care of the sick or emergencies. Some walk and lucky ones go by sno-machines. We have to spend several hours observing patients, go back to the clinic, call the hospital by phone and report the patient in. We're always told to take vital signs, observe the patient for any changes. It takes some 14-16 hours until help from the hospital arrives and medivac's the patient. It takes that much time because of poor weather conditions.

Health Aides are sometimes asked to escort patients to the hospital, like gunshot wounds, fractures, severe frostbites, bleedings or women in labor, if a medical doctor is not coming to the village to take the patient in.

Many times when doctors, nurses are in the village the health aides work more hours, and sometimes we don't even take lunch breaks depending on how many patients there are.

Lastly, everyone is a human being, and anyone who works is no exception. Everyone should be treated equally. Several times I have been criticized and been put down even while at work, which makes me feel I'm not doing anything to help. They think the health aides should work tirelessly when we have our own feelings just like everyone.

I hope what I have written gives you some pictures on what we do in our own villages where there are no real Health Professionals in the villages. So I strongly urge you people to support the Health Aides.

Sincerely yours,

Magdalene L. Smith, CHP

August 15, 1988

Daniel K. Inouye, Chairman
Members of the Senate Select Committee
on Indian Afairs

Dear Honorable Inouye:

My name is Elenore McMullen, Community Health Aide and regional Community Health Services Coordinator Instructor for The North Pacific Rim. I am married, the mother of five children, and grandmother to six. I am secretary for the Port Graham Village Council, serve on the South Kachemak Alcohol Program and the Village Health Committee, am treasurer of St. Herman's Chapel, and in the past, have served on the Alaska Mental Health Board, The North Pacific Rim Board of Directors, Port Graham Corporation, Alaska Native Health Board and Southern Region Emergency Medical Services Board.

I want to sincerely thank you for allowing me to participate in this hearing. As the 1986 recipient of the Alaska Federation of Natives "Della Keats Healing Hands Service Award", I am honored to testify on behalf of Health Aides throughout rural Alaska.

I was born and raised in Port Graham, although I lived thirteen years away from the village in my youth. I attended school in Port Graham and Seldovia and at the age of sixteen attended Mt. Edgecumbe School of Practical Nursing. I became an (LPN) Licensed Practical Nurse working in Alaska and Iowa. In 1972 I returned to my village and immediately became a volunteer caring for patients and dealing with health issues in my village. In 1973, I was involved in the formation of the Village Council, and was appointed to the Health Committee, which is still in existence after all this time.

Increasingly involved in health issues, I eventually completed all three sessions of Community Health Aide Program training, along with my preceptorship. I now not only work as Community Health Aide in Port Graham, but also travel to the villages in the region to assist and train the other health aides operating their clinics. Additionally, I assist with The North Pacific Rim's Community Health Aide training, and Community Health Education.

The most outstanding thing I find in working with the Community Health Aides is their interest and willingness to work and care for people in their villages. These people many times have had only four weeks of Basic Community Health Aide education and training. The pay isn't great, the work hours are 4-6 hours in a clinic with little or no heat and poor lighting, on call 24 hours per day, 365 days per year. Some CHAs may have completed all three sessions and preceptorship but due to the constant changes in medicine and health issues, continuing education is a must.

The CHA is normally the first line of contact of an ill person. He or she needs to be able to get the information from the client and put it on paper, then via telephone, radios, SSB or CB, relay this to an M.D. or nurse. In turn, the CHA has to translate the information from the M.D., follow instructions and understand the orders, and pass the information on to a patient.

The CHA has to be able to manage the clinic, the supplies , the clinic pharmacy, be able to rotate, prescribe according to protocol or Doctor orders, and to reorder supplies kept on hand. She also has to keep the best records possible for clients and medicine users, and be able to handle and dispense properly controlled drugs and keep on-going records of this. She needs to know a little about filing and record keeping in order to keep things in order. She has to have Emergency Trauma Technician or Emergency Medical Technician training and Cardio Pulominary Resusitation and needs to know how to use and care for emergency equipment and provide proper storage. The CHA also has to be able to control and direct the EMS squad and the patient's family in time of crisis.

In order for the health aide system to function, support systems need to be present, support from doctors, nurses in hospitals and clinics, from the Regional Health Office and staff, but mostly from the village itself. Lack of support from communities may exist; there may or may not be an Emergency Medical Squad or other trained personel present. Communication may be a problem due to weather conditions; then, transporation may cause another block in the delivery system of Health Care due to weather or lack of transportation. Finances also play a large role in all of this.

I spoke to a village elder on what he thought of health aides and this was his response. " Health Aides save lives, save me money, keep illness or injuries from getting out of control and educate me on how to be healthier." The CHA many times is the only person in the village with any health education or training. This person is left to make decisions regarding the life of a person; how he or she communicates information to an M.D. or nurse makes the difference in a person's recovery.

The CHA needs to be informed on Mental Health issues and care of the mentally ill. In our daily work at the clinic, we serve in the mental health counselor capacity. We need a strong understanding of Alcohol and its numerous negative affects on our people and how to deal with this and how to properly make referrals.

In the performance of his/her job the CHA must work and communicate with each of the following at one time or another: (1) Local village people; (2) Village Council; (3) M.D.'s, both Indian Health Service and Contract; (4) Nursing staff in hospitals and emergency rooms; (5) Public Health Nurses; (6) Dentists within Indian Health Service or Contract; (7) Mental Health Staff; (8) Eye Doctors; (9) Visiting field staff such as Nurse Practitioners, M.D.s and PHD. Specialists; (10) Alcohol Counselors, local and area; (11) Family Services Counselors; (12) Alaska Divison of Family & Youth Services; (13) State Troopers (14) Local Village Police Safety Officers; (15) Local Community Health Representatives; (16) Health Staff from Regional Offices; (17) Local Schools and School nurses.

New expectations of CHAs are in the Area of Prevention. Health Fairs, group, and one on one health education are increasingly requested, placing even further demand for health aide services and knowledgeability. Flouride with youth, anemia screening, well baby and prenatal screening, and, immunizations are but a few of the preventive measures performed in the clinical setting. The CHA in many villages cares for and provides support for the terminally ill or chronically ill, and the family of the dead and the dying.

Along with all of this, the Health Aide is expected to make and turn in monthly reports, daily medical logs, PCIS forms, and various other paperwork projects.

Unfortunately, due to the high demands of the job, burnout is a problem in the Health Aide profession. We need to be able to retain our educated CHAs by providing better

(1) Working conditions
(2) Improved pay
(3) Established support systems, both locally and regionally.

There also needs to be:

(4) Continuing education
(5) Retirement plans
(6) Support for the family of CHAs in understanding this job
(7) Back-up support, trained in the villages.

The CHA is a vital link in our Alaskan villages and is an important part of these communties.

I ask you for your support, and hope you've read the article "Alaska Community Health Aide Program in Crisis" put out by the Alaska Native Health Board and the Association of Regional Health Directors. I feel it covers the needs of the entire state. CHAs provide Health Care not only to Native village people but to all people in need throughout rural Alaska.

One of the more important things that happened to myself and my family, I feel is, through the education I've received as a Health Aide is not only the personal growth that has taken place in my own life, but also the movement my whole family has taken towards sobriety and coping with the problems of alcoholism in the villages. When I learn, I don't keep the information to myself; others learn from me, and the knowledge and strengths are passed on.

TESTIMONY CONCERNING
INDIAN HEALTH SERVICE APPROPRIATIONS FOR THE ALASKA COMMUNITY HEALTH AIDE/PRACTITIONER PROGRAM

SUBMITTED BY:
TANANA CHIEFS CONFERENCE, INC.
201 FIRST AVENUE
FAIRBANKS, ALASKA 99701

PAUL SHERRY, DIRECTOR
DEPARTMENT OF HEALTH SERVICES
907-452-2446

SUBMITTED TO:
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
HEARING IN ANCHORAGE, ALASKA
SEPTEMBER 2, 1988

. BACKGROUND INFORMATION ON THE TANANA CHIEFS CONFERENCE, INC.

The Tanana Chiefs Conference, Inc. is a non-profit corporation representing 43 tribal governments from the Interior region of Alaska. Members of our Board are elected by the village councils of principally Athabascan Indian communities located along the Yukon, Tanana, Koyukuk, and Kuskowkim rivers and their tributaries.

Our prinicipal mission is the enhancement of the social, economic, educational and physical well-being of our 11,800 constituents. Approximately 4000 of our beneficiaries reside in the city of Fairbanks; the other 7800 persons reside in communities ranging in size from 25 to 800.

At the time of our incorporation in 1971 we acted principally as an advocate for the concerns of our people. Over the past 17 years we have evolved as a major provider of community services to both Native and non-Native residents of our region.

Geographically, we serve the largest area of all of the Alaska regional non-profit organizations. We also have the largest financial and program base, having contracted for all functions of the Bureau of Indian Affairs and the Indian Health Service in our region, as well as being a major grantee for the State of Alaska for health and social services programs. Our total annual operating budget for FY1988 is approximately $22 million, of which $10 million are Alaska Area Native Health Service contract funds.

We manage five separate facilities in Fairbanks and 40 other service locations in our villages. We employ approximately 300 full-time and 60 part-time staff, of which two-thirds are Alaska Native.

II. BACKGROUND INFORMATION:TCC COMMUNITY HEALTH AIDE/PRACTITIONER PROGRAM

There is a long history of volunteer service by many Alaska Native people in support of the health care for residents of the villages in the Tanana Chiefs Conference, Inc. region. Many of our current Community Health Aides and Community Health Practitioners provided years of volunteer 'nurse aide' services prior to the formal recognition of the Community Health Aide by the Indian Health Service in 1968.

The Tanana Chiefs Conference, Inc. initially proposed a contract under the Snyder Act in 1973 for management of CHAP operations for the Interior Alaska Service Unit (then the Tanana Service Unit) This contract, entered into in August 1974, financed the salaries of twenty health aides, an R.N.administrator, a community development specialist, and accounting services for under $200,000. Basic training was provided at the Alaska Area Native Health Service in Anchorage. Medical support was provided by the Fairbanks Alaska Native Health Center and the Tanana USPHS Hospital.

In the late 1970's the contract was expanded to include health aides in 8 additional communities of the TCC region located in the Anchorage Service Unit, and to provide support for additional mid-level practitioners (physician assistants or nurse practitioners) to provide supplemental training, clinical oversight, and technical assistance in maintaining viable small community health centers.

Over the ensuing years, the Tanana Chiefs Conference has developed a range of additional village-based health service programs which supplement and support the Community Health Aides: community mental health services, village response teams, community outreach workers, environmental health services, emergency medical services, village public safety, clinic construction and leasing, etc.

In 1981 the Indian Health Service closed the Tanana Hospital; principal medical support services and supplemental training for our Community Health Aides were relocated to Fairbanks.

In 1984 the Tanana Chiefs Conference, Inc. assumed full responsibility under P.L.93-638 for the operations of the entire Interior Alaska Service Unit.

III. CURRENT FINANCING OF THE TCC COMMUNITY HEALTH AIDE/PRACTITIONER PROGRAM

In 1988 our annual budget for Community Health Aide services is $1,310,000. This is supported by $1,060,000 Indian Health Service funds and a grant from the State of Alaska of approximately $250,000. A significant portion of the IHS financial support is provided through general Hospital and Clinic funds allocated by the Tanana Chiefs Conference to offset the deficiencies in the basic allocation for CHAP services.

Specifically, these funds are allocated internally as follows:

- -$775,000 for Community Health Aide/Practitioner and alternate Community Health Aide/Practitioner salaries and benefits (60% of the total)
- -$310,000 for salaries and benefits for the Program Director (M.D.), a Regional Instructor, five 3/4 time Coordinator/Instructors, and secretarial services
- _$100,000 for supervisory travel, travel and perdiem expenses associated with training, supplies, communications, equipment, and office support
- -$125,000 for corporate indirect cost support

The State supplemental grant is applied principally to the costs of supervision and training; this has allowed re-allocation of the available IHS funds for Health Aide salaries.

IV. PROGRAM ACCOMPLISHMENTS:

The Tanana Chiefs Conference, Inc. supports 29 Primary Health Aides in 28 communities; these individuals work 1/2 to 3/4 time, depending on the size of the community.

Each community also has between one and three designated alternate Health Aides who substitute for the Primary during training and personal leave. Our alternate Health Aides generally work an addition 18 hours per month with the Primary Health Aide to obtain additional on-the-job training and provide extra support during itinerant physician field visits.

Our Health Aides provided a total of 23,950 recorded patient encounters in FY87 (approximately 3 visits per village resident on an average). Many of our Health Aides see over 100 patients per month.

Eighteen (18) of our Health Aides are certified as Community Health Practitioners.

A total of 86 village clinic visits were made by our supervisory staff in FY87. Week-long continuing education workshops for all Primary Health Aides are held on a regional basis every two years.Two-week one-on-one preceptorships are provided for Primary Health Aides at the Chief Andrew Isaac Health Center in Fairbanks.Regional training programs for alternate Health Aides are sponsored twice annually.

V. PROGRAM DEFICIENCIES

This program has had significant deficiencies due to financial constraints since its inception. The most significant are identified here.

(A) Village without Health Aides:

The Tanana Chiefs Conference region includes at least two communities which require at least a part-time primary health care provider/emergency responder but have none; they are Birch Creek and Lake Minchumina.

PROGRAM DEFICIENCIES (CONTINUED):

(B) Villages without adequate Health Aide staffing

The availability of one part-time Primary Health Aide and one substitute alternate Health Aide is inadequate for isolated communities of 150-300 persons.

This level of authorized hours cannot support the requirements for 24-hour coverage on a year-round basis. Access by patients to the Health Aide in the clinic is limited to 4-6 hours per day.Health Aides must be available at nights and on the weekends routinely for emergency responses without any special compensation. Generally, only one person in the community has the full level of training required to provide quality health services.

(C) Inadequate basic and continuing training:

The basic Community Health Aide training series located in Anchorage, while a quality program, has insufficient resources to meet our Primary Health Aide training needs in a timely manner. It is not uncommon for some Primary Health Aides up to several years to complete the series simply due to class-size restrictions, limited instructor availability,limited opportunities for physician preceptorship, and limited funds for travel and lodging.

Though we have been able to offer training for alternate Health Aides on a regional and local basis, funds are not available to meet their minimum training requirements. We beleive that each community should have at least two individuals who have completed the full series of the basic training series now available only to the Primary Health Aides.

(D) Inadequate salaries for Community Health Aide/Practitioners and Coordinator/Instructors

This deficiency has been the most frequently identified by our village governments and providers themselves. Our average Primary Health Aide salary is under $17,000 per annum, near or slightly below the statewide average salary. Some of our Aides who have completed the full range of training and practiced over ten years receive compensation in excess of $20,000 per year; Primary Aides with incomplete training in smaller villages may receive as little as $9000 per year.

The general salary scales for community service positions (village public safety officers, teaching assistants, school maintenance, village council clerks, etc) in our villages have outstripped that of the Community Health Aide for several years. Similarly, salary scales for our Coordinator/Instructors have not been able to keep pace with those currently offered in the private sector or state employment.

The results of these deficiencies include an increasing level of dissatisfaction and loss of interest by both primary and alternate Health Aides in staying with the program, difficulties in recruitment of new individuals into the position of Health Aide as a career, inadequate access by the patients to the provider, inadequate provider skills, and a corresponding limitation on the overall quality of care the program can provide.

VI. RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS

The Tanana Chiefs Conference, Inc. recently adopted a new Regional Health Services Plan for the period from 1988-1992, which identifies strategies for improvement of health services in the region and the costs associated with implementing them.

This plan includes objectives which call for the following improvements in the Community Health Aide/Practitioner Program:

A. Provision of Community Health Aide services in communities which qualify by have no current resources

B. Provision of at least two Community Health Aides in each community who have both completed the full range of training as primary Health Aides

C. Increasing the hours of authorized clinic services in each community to match the size of the community and the health services demands (for example, communities of 300 and over should have two full-time Health Aides; communities of over 200 should have one full-time and one half-time Health Aide, etc). Additional hours will also provide for relief time for both providers while assuring coverage for evenings, nights, and weekends.

D. Increasing the availability of basic and continuing primary Health Aide training at the Alaska Native Health Service training program in Anchorage.

E. Increasing the availability of individual preceptorships at the ambulatory care facility in Fairbanks.

F. Increasing the availability of regional and local continuing education programs for trained Health Aides.

G. Increasing the salary base for all Community Health Aides and Coordinator/Instructors to be competetive with the private and state government sectors, and to improve staff stability and satisfaction.

H. Provide adequate supplies, equipment, clinical space, and operational support for all village providers.

VII. COST REQUIREMENTS FOR PROGRAM IMPROVEMENTS

The Tanana Chiefs Conference, Inc. estimates that the full annual financial requirement for the optimum Community Health Aide/Practitioner program is approximately $2.6 million. Our current funding meets an estimated 50% of the projected need.

The optimum program would include financing of approximately $1,500,000 in salaries and benefits for Health Aides, $500,000 for program management and coordinator/instructor costs, $300,000 for training, equipment, and program operations, and $300,000 for indirect costs.

Additional funding for the Alaska Area Native Health Service Community Health Aide training program would also be required.

These estimates have been validated by the application of the Resource Requirement Methodology of the Indian Health Service. It should be noted that this methodology unfairly considers four patient encounters by the Health Aide as equivalent to one patient encounter by a mid-level practitioner or physician.

VIII. RECOMMENDATIONS FOR CONGRESSIONAL ACTION

The Tanana Chiefs Conference, Inc. appreciates the recent actions by the United States Senate and the joint House-Senate conference committee to provide an additional appropriation of $5 million for the Alaska Community Health Aide/Practitioner Program for FY89. This is a significant step, and we support your efforts to finalize this appropriation this fall.

We are fully prepared to make maximim use of the additional funds during the upcoming fiscal year; applications will be made to address all of the program deficiencies identified above. We estimate that the share of this additional appropriation which will be allocated to the Tanana Chiefs Conference, Inc. will be approximately $500,000, bringing our total program budget to $1.8 million.

This amount still represents only 70% of the full projected annual program requirement, whereas across the Board the Indian Health Service is beginning to meet upwards of 75-80% of its own identified unmet need.

We appreciate that Congress cannot at one time meet the full program need that we have in Alaska; recognizing this, we encourage you to continue with the process of a gradually phased-in increase in this vital program over the coming five year period.

On behalf of the leadership of the tribal governments of Interior Alaska, the Board and administration of the Tanana Chiefs Conference, and our Community Health Aides and Practitioners, I thank you for the opportunity to present this testimony.

TESTIMONY BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AT A SCHEDULED HEARING ON SEPTEMBER 2, 1988, IN COURTROOM #1, FEDERAL BUILDING, 710 C STREET, ANCHORAGE, ALASKA.

Testimony to:

The Honorable Daniel K. Inouye, Chairman
Select Committee on Indian Affairs
United States Senate
Hart Senate Office Building, Room 838
Washington, D.C. 20510

Presented by:

Ida Apokedak, President
Board of Directors
Bristol Bay Area Health Corporation
P.O. Box 130
Dillingham, Alaska 99576

I would like to speak to you on behalf of the forty-six Community Health Aides and Community Health Practitioners currently working in Bristol Bay, and as Bristol Bay's representative to the Alaska Native Health Board.

We strongly support the conclusions proposed in the report, "Alaska Community Health Aide Program In Crisis," and would like to draw your attention to its substance and its message.

In order to fully appreciate the importance of Community Health Aides to our region, you must try to imagine what it would be like to live in an Alaskan village, and be hurt, or hear your child crying from pain, if there were no Health Aide to help you. There is a deep feeling of helplessness, knowing that the pain won't stop for hours, until a plane can take you hundreds of miles away for treatment. Or perhaps it's dark or stormy, so there's no hope of a plane at all. You do what you can for your child, and try not to let him know that you can do nothing for his suffering.

Imagine a skiff capsizing, and your uncle pulled ashore, unconscious. Your neighbor is badly burnt in a steambath fire. Your cousin is found convulsing from drug overdose. The sound of your baby's breathing is so ragged it keeps you from sleep night after night. In a village, every injury or sickness is the hardship of a friend or relative--you can't just close your door and hope for the best, or even be glad it isn't happening to you. It *is* happening to you.

Our Health Aides are what stand between us and this kind of fear. We live in a beautiful place, but it's dangerous. The weather is treacherous, the terrain is hard on vehicles and anyone inside them, and our subsistence activities take us frequently into wild country and cold water.

The point is, we depend on our Health Aides very much, both for health care and for peace of mind. Imagining what village life would be like without them is a frightening prospect. Unfortunately, it is not just an imaginary situation.

All too often, Health Aides must leave their villages--for training, or on emergency medivac, or on personal business of their own. Technically, this should not be a problem, because every village is supposed to have someone with basic emergency training who will step in when the Primary Health Aide leaves. However, given the low pay, uncertain working hours and lack of training funds for these so-called Alternates, many villages do not have the security of this kind of back-up system.

Working to improve this situation, Community Health Aide programs across the state are discussing ways to put recently awarded IHS funds into better training programs and salaries for Alternate positions. This is an essential thing to do, for several reasons. One is simple, and has to do with the fear and isolation mentioned before: would you like the well-being of your family to rest in the hands of someone with only the most basic of medical training?

Another reason is more complicated, and concerns the welfare of the Health Aides themselves. (They are our relatives and neighbors too--we care about them as we care about anyone in the village.)

Imagine, again, that you live in a small, remote village, this time not as someone in need of help, but as the Health Aide herself. There are people depending on you--they are not strangers, they are your family. You must constantly worry that you don't know enough to help them--even doctors worry about this--and if you're an Alternate or a beginning Primary, you worry even more. (Health Aides at every stage of their careers list more training as a major concern.) Furthermore, you're on call 24 hours a day. You can never totally relax as long as you're in the village. The distance that doctors can put between themselves and their work is not there for you.

It is no wonder that, in Bristol Bay, thirteen villages have no Alternate Health Aide at all--that means the Primaries in these villages are on call constantly, day and night, week in and week out. In four villages, Primary positions are vacant. Given job stresses, low wages and the insecurity of limited training, it's a wonder that we have any Health Aides at all. I for one am grateful for the extraordinary dedication of the Health Aides we have. I'm grateful for the $3 million IHS dollars which will help to relieve the pressures that are making their job so hard. And I would ask this committee to recognize that a bit more training and a slightly more equitable pay scale goes in the right direction but not nearly far enough in supporting the absolutely essential work of our Community Health Aides.

Thank you very much for coming to Alaska to hear our concerns.

Mr. Chairman and Members of the Committee:

Good afternoon. I am Gerald Ivey, Director of the Alaska Area Native Health Service of the Indian Health Service . With me, today, are:

- Dr. Robert Burgess, Medical Director, Community Health Aide Program
- Dr. Thomas S. Nighswander, Director, Ambulatory Care, Alaska Native Medical Center,
- Dr. Dennis DeLeo, Chief, Psychiatric Services, Alaska Native Medical Center
- Ms. Theresa M. Ricketts, Alcoholism Program Coordinator, Alaska Area, and
- Dr. William Richards, Chief, Mental Health Services, Alaska Area Native Health Service,

In our letter of invitation, we were requested to present testimony before the Select Committee on Indian Affairs on the issues of mental health and the Community Health Aide Program.

The Indian Health Service is the Federal entity charged with administering the principal health program for American Indians and Alaska Natives. The goal of the Indian Health Service is to raise the health status of American Indian and Alaska Native people to the highest possible level. Its mission is threefold: (1) To provide and/or assure the availability of high quality, comprehensive, and accessible health services; (2) to provide increasing opportunities for Indians to manage and operate their own health programs;

and (3) to serve as a health advocate for Indian people. In Fiscal Year 1988, the Indian Health Service will continue its mission by providing comprehensive health services to over one million Indian and Alaska Native people.

We are pleased to be here today to represent the Alaska Area Native Health Service of the Indian Health Service, and will be happy to discuss and answer any questions that you may have regarding our Mental Health and Community Health Aide programs.

Mr. Chairman, at this time I would like to defer to the various program people who have accompanied me today, to address their specific areas of expertise.

August 18, 1988

Senator Daniel Inouye, Chairman
Select Committee on Indian Affairs
United States Senate
Washington, D.C.

Senator Inouye and Members of the Committee:

Thank you for the opportunity to present testimony to the committee on IHS mental health initiatives. My name is Michael Graf. I have worked as a community clinical psychologist in northern interior Alaska since 1977 when I came to work at Tanana Chiefs Conference as director of mental health programs. In that capacity I am responsible for the development and direction of mental health, substance abuse, and other behavioral health programs throughout the TCC region. I am active in mental health planning issues throughout the state. Over the years I have served as a governor's appointee to the Statewide Health Coordinating Council, as president of the Alaska Psychological Association, and as chair of the Alaska Mental Health Program Directors Association. Presently, I serve as vice-chair of the Alaska Mental Health Board and as chair of the mental health board's planning committee.

Tanana Chiefs Conference, Inc. is a regional Native corporation serving northern Interior Alaska. Its vast sparsely populated area covers an expanse greater than Texas. It is an exciting and challenging place to work. A majority of the TCC region villages are accessible only by boat or by plane. Temperature extremes range from 90 degrees in the summer to as low as -70 degrees in the winter. In summer, we are blessed with up to 22 hours of direct sunlight (24 hours of daylight for about two months). We pay the price with as much as 22 hours of darkness in the winter. The Alaska Native population of the TCC region numbers approximately 13,000. Alaska Natives in the region are about evenly divided between the greater metropolitan area of Fairbanks and remote rural villages.

For years I have disappointed visiting health care professionals. They arrive expecting stories of cabin fever, arctic hysteria, and other maladies peculiar to the frozen north. I usually tell them that our health problems are depressingly familiar. It is in the area of service delivery that the problems are unique. A broken leg in Fort Yukon, I tell them, doesn't look that much different from a broken leg in Ft. Worth. An upper respiratory infection in Toledo is hard to distinguish from one found in Tanana. We haven't yet identified many health problems which are unique to Alaska or unique to Alaskan Natives. Of course, that may in part be because we haven't looked very hard.

As you would expect, the rates with which different health problems are encountered in Alaska differ greatly from those seen in other parts of the country. Frostbite, for instance, is as rare in Los Angeles as heat prostration is in Barrow. Not all of the disparities in rates, however, are as trivial or as easily explained.

When I was appointed to Alaska's Statewide Health Coordinating Council in the late 1970's, the number one health priority in the state was to "reduce the surgical backlog of otitis media cases". Prior to coming to Alaska, I had never heard of otitis media. Otitis media is a middle ear inflammation which can result in hearing loss, speech and language deficits, learning disabilities, and other problems. In the absence of early identification and effective treatment it frequently requires the surgical insertion of ventilation tubes. A tympanoplasty may be required to repair tympanic membranes perforated by infection as well.

Otitis media is exceedingly common in Alaskan Native children. The surgical backlog consisted primarily of Alaskan Native children awaiting either insertion of ventilation tubes or tympanoplasties. While a variety of theories are advanced, there is no generally accepted explanation for otitis media's high incidence in Alaska. The answer would be of considerable importance.

Note that the examples I have cited are primarily of physical illness and injury. Psychiatric epidemiology in Alaska has been almost non-existent and cross cultural psychiatric epidemiology has been at best a bad joke. There have been no meaningful attempts to measure the incidence and prevalence of even common psychiatric illnesses, much less to explore the range of disorders not covered in our current nosology. Despite my comments to visiting colleagues about the absence of arctic-specific illnesses, we really don't know to what extent psychiatric problems encountered here differ from those seen elsewhere. Aside from the very limited work being carried on in the area of season affective disorders and some attempts to look at the epidemiology of substance abuse and suicide, I am unaware of any psychiatric research worthy of the name being carried out in Alaska.

In the absence of even the most basic of mental health services, psychiatric research has of necessity been considered a luxury. If asked to choose today between additional resources for treatment and resources dedicated to research, I would have to choose treatment. Still, I am aware that Alaskan Natives receive less than adequate psychiatric care not just because of a lack of funding for services, but in part because we operate from a woefully inadequate information base.

I have deliberately refrained from giving you merely one more recital of statistics which are easily available to the committee. You are probably already all too familiar with the extent of problems documented in Alaska. If not, I'm sure that you will be amply provided with documents such as the Alaska vital statistics and Alaska's current state mental health plan. In them you will find documentation in detail of Alaskan Natives' high rates of suicide, homicide, substance abuse, accidental death, hospitalization for severe mental illness, incarceration for criminal offenses, violent crimes, child abuse and neglect, fetal alcohol syndrome, and a host of other problems.

I am aware that many of Alaska's problems are not unique, that they are mirrored by tribal groups outside who share too in a search for solutions. In the area of service delivery though, our problems loom large. Let me go back to the example given earlier of a broken leg in Fort Yukon looking just like a broken leg in Fort Worth. The obvious difference between the two is that in Fort Worth a hospital would be just around the corner staffed by a full complement of medical personnel. Substitute acute schizophrenic episode for the broken leg and let's look at the situation in Ft. Yukon. We could as well be looking at any one of a host of villages.

Fort Yukon serves as a hub village for a half dozen smaller villages which surround it at distances varying from 20 to 120 miles. There are no roads in the area. Fort Yukon and its surrounding villages represent one of Tanana Chiefs Conference's six subregions. Mental health services in the subregion are provided by a state-funded psychologist, Dr. Christine Swanson, based in Ft. Yukon. She is responsible both for serving the residents of Ft. Yukon and for getting out to the surrounding villages as often as possible as well. In almost every case, traveling to an outlying village requires an overnight trip.

If Dr. Swanson were to visit the six villages in rotation, making one overnight trip every week, she would visit each village once every six weeks and would be absent from Ft. Yukon at least two days each week. After several years of providing itinerant village services and more years of supervising such providers, I can tell you that with the absolute best of intentions and unremitting effort, if Dr. Swanson tries to make a village trip every week she will come to the end of the year having made about 25 visits. Weather, Christmas, annual leave, emergencies, continuing education, required out-of-town meetings, unreliable air services, and other similar factors will reduce her weekly visits to an actual average of one every two weeks. Many of these same factors, however, will also contribute to time that she spends away from her home village of Ft. Yukon.

Bi-weekly visits mean that each of the six villages can hope to be visited at best once every twelve weeks, i.e., about once a quarter. At this level of service Dr. Swanson can hope to provide consultation to local providers such as the health aide and school teachers, can perhaps provide some education or training, can do some screening and make referrals to urban services, and can check on the status of persons known to be at particular risk either because of recent hospitalizations, crises, or other factors. However, because quarterly visits offer little opportunity to establish working relationships with either communities or individuals, the range and quality of services delivered will almost certainly remain low. Traditional counseling and psychotherapy, except for the briefest of brief therapy and crisis intervention is obviously out of the question. Any attempt to utilize paraprofessional counselors or volunteers has to operate on an assumption of quarterly face-to-face contacts in the village with a supervisor, a near guarantee of failure.

Should Dr. Swanson decide to leave Ft. Yukon, as most providers do within (at most) a few years, some itinerant services might be provided to Ft. Yukon out of Fairbanks, 150 miles away, while a replacement was sought. Services to the smaller villages would disappear until a replacement could be hired. This process sometimes takes as much as a year. The villages can count on either poor services or no services at all so long as a single provider is expected to serve an area larger than many of the smaller states. Every program such as the one in Ft. Yukon should be staffed by a minimum of two professional providers.

What can the Indian Health Service do? First, the IHS and Congress must recognize the needs as a federal responsibility and identify that portion of the problem which properly remains a responsibility of the IHS. For example, in 1981 we were for the first time ever able to send a psychiatrist out once a quarter to subregional centers such as Ft. Yukon. The psychiatrist did medication reviews, evaluated patients, and provided consultation to the mental health professional. That ended in 1983 when our National Health Services Corps psychiatrist left the state so his wife could attend medical school. With the effective demise of the NHSC, our ability to recruit a psychiatrist shrank to near zero. Does the federal government have a responsibility to assure the availablity of critical health care providers in areas such as ours? I believe that it does. This is part of a larger national problem which isn't necessarily the responsibility of the IHS. However, a national IHS mental health initiative should include identification of the responsible entity and, as one of its goals, working with the responsible agency to make certain that needs such as the above are met.

Psychiatric research, including cross cultural psychiatric epidemiology, is supported primarily through the National Institute of Mental Health. A national IHS mental health initiative should identify a psychiatric research agenda and work with the NIMH to achieve its implementation.

Finally, the IHS should settle for nothing less than adequate health care, including psychiatric care for Alaskan Natives. This, unquestionably, will cost more than is currently being spent by the IHS. For years the IHS and BIA were content to simply say that since Alaska had accepted mental health as a state responsibility, they need do nothing or next to nothing. If services were poor or non-existent, that was the state's problem and none of the IHS's or BIA's business. I believe and hope that your presence in Alaska indicates that you believe as well that there is a continuing federal responsiblity to address problems such as those I've discussed here.

Thank you again for holding a hearing in Alaska and for this opportunity to present testimony to the committee.

After Tragedies, Alaskan Villagers Work Together to Stay Sober

By Hal Bernton

Special to The Washington Post

AKHIOK, Alaska—For nearly 50 years, Ephraim Agnot was a drunk. He drank whiskey and beer, and when there was no more liquor, he turned to Lysol, hair lotions and after shave. "I had to have alcohol in my gut all the time," he said.

The alcohol helped Agnot forget the deaths it helped cause. His first wife drank, then fell from a boat and drowned. His second wife died after a drunken brawl with him. One of his sons drank too much and suffocated on vomit. A grandson, plagued by alcohol, committed suicide.

But for the past seven months, Agnot has been sober. And so have most of his neighbors, who have joined together to transform this Aleut village of 70 people on Alaska's Kodiak Island.

A year ago, more than 90 percent of Akhiok's 42 adults were chronically drunk. Today, island alcohol counselors report that at least 80 percent of them are sober. "It's very mystical," Agnot said. "I'm very surprised at the people who've been drinking and stopped."

The sobriety movement here began last fall when one couple stopped drinking and started an Alcoholics Anonymous group. It was imbued with urgency in January, when an intoxicated villager shot and killed himself. Since then, it has been reinforced by visits from Kodiak alcohol counselors. Villagers have also met with Elisabeth Kubler-Ross, a psychiatrist and well-known author of books about grief, death and dying.

"It's just like a ripple effect," Kubler-Ross said. Those who stopped drinking "affect other people's lives . . . by what they are and how they behave . . . . It works wonderfully all over the world. But it's lots of hard labor and lots of love."

Others are unsure why Akhiok prevailed. "I can't say why it happened, but I'm very glad it did," said Bill Richards, chief of mental health for the Alaska Area Native Health Service, who visited Akhiok earlier this summer and is hoping that other Alaska villages, struggling with an epidemic of alcohol abuse, will be able to emulate it.

Many villages have tried to stem the violence and self-destruction by banning the sale and importation of alcohol. But that has not stopped the liquor flow. In large areas of Alaska, bootlegging is a thriving

BY HAL BERNTON FOR THE WASHINGTON POST

Annie Peterson, with grandson Edwin Anderson IV, stopped drinking nearly a year ago and started an AA group in town.

industry, and a bootlegged bottle of whiskey sells for as much as $100.

Akhiok has always allowed the free flow of liquor. Accessible only by boat or plane, the village sits on marshy lowlands bordering a bay on the southern edge of Kodiak, a southwest Alaska island of rugged mountains and glacier-cut fiords.

Most people live in wood-frame homes created by three generations of federally subsidized housing projects. On a knoll by the bay, the village's only trees shade a white-domed church, the legacy of 18th century Russian explorers who also introduced the Aleuts to alcohol.

During the 20th century, airlines offered daily flights to Akhiok, and villagers brought in hard liquor and beer by the case.

They drank to help pass the long, damp and dark winters, and to celebrate the arrival of summer, when lush grass covers the nearby hills, the marshes fill with flowers and a blue-green lagoon warms enough to serve as a swimming hole for the village youth. On the Fourth of July, the village government traditionally purchased a one-day liquor license and turned the community hall into a beer parlor. Adults often binged for weeks at a time, neglecting or abusing their children.

Jean McDonald, an alcohol counselor for the Kodiak Area Native Association, recalls arriving here and finding only two sober people in the village. "I turned around and went back to town because at that level of intoxication there's not much to be done," she said.

"A month never went by without us drinking," Annie Peterson said. "We couldn't wait until Friday so we could celebrate a weekend. We always found an excuse, any excuse, to party . . . . We grow up with our parents drinking. And our children grow up drinking. It's a pattern . . . a way of life," she said.

Peterson and her husband, Nick, were among the heaviest drinkers in the village and often supplied booze to others. Now, they are ringleaders of the sobriety movement. During nearly 12 months of sobriety, they have built a new banya steam bath and a smokehouse outside their home, and launched an AA group that meets three times a week in the village community hall.

The turning point came last August when state officials threatened to take custody of the two Peterson children still living at home. Annie and Nick Peterson both spent a month away from the village at alcohol clinics. "We'd always dealt with our feelings only when we were drunk," she said. "We had to learn how to yell and cry when we were sober."

They returned to the village committed to "live sober," Annie Peterson said. They banned alcohol and anyone drunk from their home.

The first month was lonely. Their sobriety was shared by only a few villagers, such as David Eluska, president of the village tribal council, who had quit drinking five years earlier after a bout with stomach cancer.

But soon they were soon joined by Judy Simeonoff, after a fire that almost destroyed her house as she and her children slept. "That changed my thoughts about drinking," Simeonoff said. "If I was drinking, I probably never would have woken up."

Gradually, other villagers began to take interest in the changes at the Peterson house. "They wondered why he [Nick] was so happy. He was not partying, but building the banya, doing family things now," Annie Peterson said. "We said if anyone has any questions, our house is open. People came in and talked."

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BY DAVE COOK—THE WASHINGTON POST

By December, they established their AA group, and more than a dozen villagers were attending regularly.

Then in January, Bobby Simeonoff, after drinking heavily, put a gun to his head and killed himself. At 30, he already had served as the village's mayor and public safety officer. Eluska feared that the suicide might trigger a wave of suicides like those in Alakanuk, an Eskimo village in western Alaska where eight youths had killed themselves in 16 months.

Instead, Simeonoff's death seemed to give the village new strength. "It just shocked the heck out of us," Eluska said. "We just decided why it's time to settle down and look ahead and learn how to control it."

Kubler-Ross was in Alaska at the time, conducting therapy workshops, and several Akhiok villagers went. When she learned of Simeonoff's suicide, she decided to fly to the village and help his children and other villagers deal with their grief. "They had a tragedy, and I naturally made a house call," she said.

That month, Agnot decided to quit drinking.

In May, Canadian Indians from Alkali Lake arrived in Akhiok with a film documenting their own transformation from a village of 100 percent alcoholics to 98 percent sober. Afterward, they talked with villagers about the pain of alcoholism and how to begin healing the wounds.

The Petersons have found healing in living off the land. There are deer to hunt in the hills behind town, the marshes are filled with berries, and the sea provides a rich bounty of clams, octopus, king crab, salmon and cod.

But the Petersons and others say they also are eager for new economic opportunities.

"While we are clearing up the [alcohol] problem, we are creating another," Eluska said. "People need employment to keep themselves busy, to keep their minds off booze."

A few of the villagers fish commercially for salmon, but most of the permits that limit entry to the lucrative harvest are controlled by outsiders. Others find seasonal work in a cannery seven miles south of Akhiok.

And a sea-farming project is considering growing scallops in a nearby bay. "This is something we could get local control over, where we wouldn't have outsiders from Seattle," Eluska said.

Meanwhile, villagers are enjoying a newfound tranquility to island life. On a warm summer evening, the most raucous activity was a spirited game of basketball among village youth. "I see a big change in the children. They are smiling all the time," said Ria Eisenhauer, a family service advocate with the Kodiak Area Native Association.

The few people who still drink do so, for the most part, quietly, in their homes. "They're ashamed to walk around anymore," Annie Peterson said.

As for Agnot, he has given Akhiok's Russian Orthodox church a new coat of paint. "I've been fortunate to come so far," Agnot said. "People are trusting me again and that makes me feel good . . . . I just hope this thing stays."

THE HONORABLE SENATOR DANIEL INOUYE:

WE ARE VERY PLEASED TO HAVE YOU HERE IN OUR COUNTRY TO LISTEN TO OUR DISGRUNTLED OPINIONS ON TOPICS OF DISCUSSION. THEY ALL TIE-IN TOGETHER SOMETIMES IN PECULIAR WAYS PUT IT ALL IS BASED ON THE USURPING OF RESOURCES. I LOOK UPON THIS CITY AND SEE ALL THIS MONEY IN BUILDINGS AND THINGS. THEY ALL BELONG TO NON-NATIVE INTERESTS. THROUGH DIFFERENT ACTS IT HAS ALL BEEN STOLEN FROM THE NATIVES. THE MAJORITY OF NATIVES CANNOT BUY THE QUALITY OF LIFE THAT THEY SEE IN THEIR HOMELAND AND THAT THE USURPERS CAN AFFORD. THE NATIVES HAVE NOT THE QUALIFICATION AND EDUCATION THAT NON-NATIVES HAVE. FOR THE FEW DOLLAR-PAYING JOBS IN THE VILLAGES THE QUALIFICATIONS ARE SET SO HIGH (I.E., INDIAN HEALTH SERVICE EMPLOYMENT NOTIFICATIONS AND OTHER GOVERNMENT CONTRACTS).

THE YOUNG NATIVE WOMEN GO WITH NON-NATIVE MEN. THE NATIVE MEN AT TIMES SEE THIS BIG VICIOUS CIRCLE, AND FEEL UNABLE TO DO SOMETHING ABOUT IT. OUR YOUNG NATIVE MEN ARE KILLING THEMSELVES OR TRY TO DROWN THEIR SORROWS IN ALCOHOL. WHEN OUR MEN TRY TO WORK ON PROBLEMS UNDER THE INFLUENCE OF ALCOHOL THEY GET THROWN INTO JAIL OR THE MENTAL INSTITUTIONS. THE STATE OF ALASKA THEN HAS CONTROL OF WHAT RESOURCES HE/SHE HAS LIKE CUSTODY OF A CHILD/REN OR THEIR NATIVE CORPORATION SHARES OF STOCK. THIS IS ALSO BRINGING US TO BECOME A WELFARE PROGRAM NATION. WOMEN THAT HAVE NATIVE HUSBANDS FOR THE FATHER OF THEIR CHILDREN MUST OFTEN SPLIT UP IN ORDER TO QUALIFY FOR WELFARE, THEN THE MEN ARE TOLD THAT THEY CANNOT SEE THEIR CHILDREN. THIS HAS CAUSED IRREPRABLE HARM. TO TOP THIS ALL OFF, THE STATE OF ALASKA MAY THEN TAKE OR FORCLOSE ON THEIR NATIVE CORPORATION STOCK. THIS IS A CONDITION PLACED ON A PEOPLE THAT CAUSES SERIOUS PHYSICAL AND MENTAL HARM. THE STATE OF ALASKA ANNUAL MENTAL HEALTH STATISTICAL REPORT FOR FISCAL YEAR 1987 STATES, "ALASKA NATIVE PEOPLES MAKE UP 30% MORE THAN TWICE THEIR PERCENTAGE IN THE STATES POPULATION" (pg. 21). ON PAGE 23 IT STATES "BEHAVIORAL PROBLEMS DUE TO SOCIAL CONDITION 54%" pg. 25: "SERVING THE MOST ECONOMICALLY DISADVANTAGED SEGMENT COOK INLET AREA HAS THE HIGHEST 75% RATE." CIRI IS PURPORTED TO BE THE MOST SUCCESSFUL

AND HAS THD MOST MENTAL PROBLEMS AND HAS THE PEOPLE WHO ARE THE MOST POVERTY STRICKEN. THE STATE OF ALASKA HAS LOST A MAJOR MENTAL HEALTH LAWSUIT AND IS NOW REVAMPING ITS SYSTEM. NOW WOULD BE A GOOD TIME FOR SOME CHANGE AND A WORKING RELATIONSHIP. (CIRI NEWSLETTER: "CIRI MEETS WITH T. BOON PICKENS). THE GENOCIDE TREATY (INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE) STATES IN ARTICLE II (b) ON ACTS CONSTITUTING GENOCIDE "CAUSING SERIOUS BODILY OR MENTAL HARM TO MEMBERS OF THE GROUP:."

NOW THIS THING CALLED LAND CLAIMS ACT IS DIRECTLY CAUSING PHYSICAL AND MENTAL HARM TO THE NATIVES. IN 1968 CONGRESS PASSED THE INDIAN CIVIL RIGHTS ACT. IN THIS ACT IT CALLED FOR TRIBAL CONSENT. WELL NO TRIBE CONSENTED TO THE ACT AND NO TRIBE WAS CONSULTED WITH. THE LAND CLAIMS ACT WAS PASSED THREE (3) YEARS LATER WITH NO TRIBAL CONSENT. THE ACT TOOK AWAY THEIR LAND AND RESOURCES, MINERALS, COAL, OIL, WATERWAYS, FISH, MOOSE AND BIRDS: AND NOW THE STATE EVEN CLAIMS THE AIR. EVERY LAW THAT WAS CONCOCTED WAS ALL CONDUCTED IN ENGLISH BY NON-NATIVES TO NATIVES. THE ACT IS SO COMPLICATED EVEN THE HIGHLY EDUCATED BUREAUCRATS, ATTORNEYS, ACCOUNTANTS AND BUSINESS PEOPLE DON'T EVEN KNOW WHAT THE ACT HAS DONE — LET ALONE A PERSON WHO IS STRUGGLING WITH THE LANGUAGE. THE 1991 AMENDMENT DO NOT CHANGE OR EVEN ADDRESS THE BASIC PROBLEMS BUT MAKES MORE PAPER FOR THE SHARKS FEEDING OFF THE ACT.

A LOCAL NEWSPAPER CONDUCTED A TEN DAY SERIES ON NATIVE SUICIDES: "A PEOPLE IN PERIL" (JANUARY 10-19, 1988; ANCHORAGE DAILY NEWS). THE ARTICLES STATE THAT ALASKA NATIVES ARE FOUR TIMES AS LIKELY TO COMMIT SUICIDE. EVEN WHEN THE NATIVES COME TO THE CITIES IN SEARCH OF JOBS OR A NEW LIFE, NATIVES IN ANCHORAGE ARE THREE TIMES MORE LIKELY TO BE RAPED; FOUR TIMES MORE LIKELY TO DIE A VIOLENT DEATH. THE SAME TYPE OF FACTS CONTINUE IN THE PRISON SYSTEM AND HEALTH SYSTEM.

THERE IS A WAY OUT. THAT IS FOR THE FEDERAL GOVERNMENT TO START HONORING THE JOINT INTERDEPARTMENTAL ARCTIC POLICY ACT; TO CHANGE LAWS AND WAYS TO LIVE WITH THE NATIVES. THE PRESENT SYSTEM — PLAIN AND SIMPLE — IS KILLING OUR PEOPLE. I HAVE BEEN WATCHING A TRIAL ON HERRING EGGS AND KELP COLLECTION OF THE

NATIVES, BASED ON THE LACEY ACT. I HAVE SEEN HOW THEY SCARE THE DEFENDANTS INTO PLEA BARGAINING OUT ON RIGHTS THAT THIS LACEY ACT SPECIFICALLY EXEMPTS THEM. IT WOULD BE NICE TO WORK ON A GOVERNMENT TO GOVERNMENT BASE TO WORK OUT OUR PROBLEMS. THE STATE OF ALASKA REFUSES TO EVEN MEET WITH US, CHICKALOON VILLAGE TRADITIONAL TRIBAL COUNCIL, LET ALONE WORK OUT OUR PROBLEMS. IT WOULD BE CHEAPER FOR ALL RATHER THAN TO TAKE EACH ISSUE TO COURT. THE U.S. ASSISTANT ATTORNEY STATES THAT THEY MAY ONLY PROSECUTE, NOT HELP. THERE IS NO RIGHTS PROTECTION OFFICE IN THIS AREA AT BIA. THE ALASKA DELEGATION STEVENS, YOUNG AND MURKOWSKY WILL NOT LISTEN EITHER. THIS PROBLEM WITH WHO IS ELIGIBLE FOR INDIAN HEALTH SERVICE THIS IS A PROBLEM THAT IS A VERY WORRY-SOME PROBLEM. FOR INSTANCE USING THE ALASKA NATIVE CLAIMS SETTLEMENT ACTS CORPORATE ROLLS FOR ELIGIBILITY DOES SEVERAL THINGS. #1: ANCSA ROLLS AUTOMATICALLY RULE OUT MANY NATIVES NOW RECEIVING BENEFITS THAT BUY ALL RIGHT ARE ELLIGIBLE. ALSO TRY TO PUT CREDITABILITY TO ORGANIZATION, TAKING OF TRIBAL RIGHTS AND TRIBAL RIGHTS TO CONTRACT (BIA AND STATE OF ALASKA) LIKE COOK INLET REGION INC. FORMED THROUGH THE STATE SYSTEM A TRIBE NOW NAMED COOK INLET TRIBAL COUNCIL INC. HAS NOT ONLY THE FORMER CONTRACTS ADMINISTERED FOR ALL NATIVES IN THIS REGION BUT CITC, INC. CONTROL OVER WHO IS ELLIGIBLE. UNDER THESE RULES, LEAVING OUT THE CHILDREN.

THERE IS VERY MUCH MORE THAT CAN BE TOLD BUT HARD TO PUT IN SUCH A SHORT TIME. I NOTICE THAT YOUR ITINERARY STATES YOU WILL BE VISITING (AND WOOED BY THE CORPORATION AND THE STATE). I HOPE THAT THROUGH ALL THAT YOU HEAR THIS CRY IN THE WILDERNESS AND CALL FOR THE RATIFICATION HEARINGS ON THE TREATY FOR THE PREVENTION OF GENOCIDE THAT HAS BEEN SIGNED BY THE PRESIDENT OF THE UNITED STATES.

Date:

Gary Harrison Gary Harrison
Chickaloon Village Traditional Council Treasurer
Chickaloon Moose Creek Native Association, Inc.
(ANCSA Village Corp.) President
Chairman of the Board, Cook Inlet ative Assn. Inc.

PUBLIC HEARINGS
CONDUCTED BY: SENATOR DANIEL INOUYE
SEPTEMBER 2, 1988

Honorable Senator Inouye my name is Lorraine Jackson. I am presently employed by the Copper River Native Association which is a tribal organization serving the people of Ahtna region. I also serve as the Secretary of the Alaska Native Health Board.

I wish to thank you for the opportunity of testifying today on behalf of Copper River Native Association on the Mental Health Initiatives for Native Americans. I would like to emphasize that support for mental health initiatives for Native Americans also benefits the other agenda items presented at this hearing.

The Copper River Native Association currently contracts with the State of Alaska to provide Mental Health Services in the Copper River Basin which consists of several small rural communities and villages within a geographical area approximately the size of the State of Ohio.

> Presently Indian Health Service provides no funding for mental health services in the Athna region. State regulations and philosophy regarding service delivery to Alaska Natives often lack the understanding and commitment necessary to properly address mental health issues in rural native communities by restricting resources and methods of service delivery.

The state mental health grant allows for one full-time and one half time professional mental health counselors to serve the total population of the Copper River Basin. The vast distance between rural communities make it difficult to provide adequate mental health services, particularly in the winter months when travel can become quite hazardous.

With regard to the provision of mental health services for rural Native villages, the thrust of Copper River Native Association is toward community development. This approach insures community involvement and participation in the resolution of their own identified problems. Currently there is a lack of necessary resources to build village based programs capable of addressing mental health issues.

For several years Alcoholism has continued to be the number one health problem identified by the Native people of the Ahtna region.

As efforts towards substance abuse prevention, education and treatment have progressed there are signs that some communities have entered into a recovery process. A new pattern has emerged in which mental health issues are now becoming more visible. These issues include dysfunctional behavior patterns of children reared in Alcoholic homes (Adult Children Of Alcoholics), marital and family issues, various types of physical, sexual and emotional abuse, suicidal problems, and a loss of cultural identity.

It is imperative that this recovery process continue through the creation of village-based mental health programs which will be culturally relevant and make more efficient use of the limited mental health resources now available through the state programs.

Your support for mental health funding through Indian Health Service to the Native Communities would serve to enhance our ability to serve the Native people of our region.

Thank you again for allowing me to present my testimony today.

TESTIMONY TO
THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
ON MENTAL HEALTH INITIATIVES

BY EVELYN TUCKER

ALASKA MENTAL HEALTH BOARD

SEPTEMBER 2, 1988

Senator Inouye and Members of the Committee:

Thank you for traveling to Alaska. It means a lot to us that you came all this way to hear from us in person.

Much of the frustration and depression in Native communities is the result of people not being able to effect what happens to them, their families, and their communities. If it doesn't matter what you say or how you feel or what you do... after a while most people give up. We stop getting up in the morning, we get sick, we drink, we take foolish risks when we drive boats and cars, some of us commit suicide.

Alcohol, drug abuse, and suicide are not the only mental health issues for Native people in Alaska. They are just the most obvious symptoms of underlying problems. It's hard to describe how overwhelming the problems and their interrelationships are. Native people need to find healthy ways of living, and then they need healthy options. When someone decides that they're not going to depend on booze or look to any one else to take care of them, that they're going to take charge of their own life, they need to be able to do that. They need to be able to provide for themselves and their families. When we look for solutions to the problems in Alaska, we need to look for a range of opportunites, starting with mental health and moving to such issues as economic development and protection and enhancement of subsistence resources. So that once communities get healthy, they have the resources to stay healthy.

Hidden, or I should say, abandoned in all of this are the chronically mentally ill. Because of their illness, these people are frequently disenfranchised from their families and communities at an early age. People from rural Alaska with a mental illness are sent to urban institutions to receive services. At some point they end up on the streets of one of our urban centers. There they live lives of privation and unspeakable loneliness.

Apart from the immediate and individual concerns, are the concerns that this "system" stresses the resources of urban communities and exacerbates existing racial stereotypes and tensions. The fact that most of the chronically mentally ill

Native people from throughout Alaska live on the streets of our urban centers tends to color the view the majority population has of Native people and Native culture. This is exacerbated by the fact that many of our chronically mentally ill also develop problems with alcohol.

Some Native communities and organizations have started to develop their own support systems. These are locally based systems that provide help and support for recovering alcoholics, the chronically mentally ill, for those who are grieving, for victums of sexual abuse, and even for the elderly. I ask that you explore the potential of these kinds of systems as you examine options for Alaska.

After writing this, I reviewed the IHS agency written testimony. I was struck by the frequent references to depression, chronic depression in Native communities. There is a growing movement in the Native community of Alaska toward characterizing what's going on here as grieving. Native people have been going in circles for several generations trying to process a history of losses. Those circles have become vicious cycles that create more losses.

I prefer the term grieving as opposed to depression, because we all know something about grief and grieving. It's a fact of life. We know that people can recover from grief. We know that people handle grief better if they have resources... family, friends, counselors, clergymen that support them. And we know that it all takes time.

Thank you Senator and Members of the Committee for giving me this opportunity to tell you what I think and how I feel. I hope it makes a difference in our lives in the future.

INUPIAT COMMUNITY OF THE ARCTIC SLOPE
IRA TRIBAL ORGANIZATION
P.O Box 934 Barrow Alaska 99723
Phone (907) 8XXXXX 852-3746
Executive Director 852-2111

September 2, 1988

Your Honor:

I am Raymond Neakok, Sr., Member of the Native Village of Barrow and Native Village IRA. Also Representative for Regional IRA of the Inupiat Community of the Arctic Slope (ICAS), in charge, by resolution, authorized to represent all the children of the North Slope and Barrow in court cases when a child is a member of the tribe. I have been representing children in need of aid since 1978 as a guardian ad litem, appointed by the State Court. I am a representative for tribal governments for our members.

I objected to the appointment and advised the Court that I would be in conflict of interest. I objected first in 1980 or 1981 in the Second Judicial District, Barrow, Alaska by stating my conflict to the Court; we then had the adjudication hearings on our members. There have been a lot of cases since that time to 1985, at which time the State Court Assistant Attorney General, Marlin D. Smith, objected on April 9, 1985, to Raymond Neakok, Sr. acting as Guardian ad litem, interpreter and representative of Native Village of Barrow. When this objection was recorded, all the members were no longer represented in Court. I have repeatedly asked the BIA to please let us have an attorney for our Indian Child Welfare Act cases. They have refused. I have yet to be legally represented in State Court because the BIA failed to authorize the funds for our legal attorneys.

As a result of not having an attorney, our children are being sexually molested, kidnapped, displaced and without parents in custody of State Court.

Our children are being placed outside the jurisdiction of the tribal government with a legal ordinance which the Ninth Circuit Court recognized in 1983. The definition of Exclusive Jurisdiction of the Tribes is not being enforced nor can it be made to be enforced without an attorney.

As stated by a letter from the Secretary of the Interior's Office, under signature of Dodie Livingston, Commissioner, Department of Health & Human Services, and to emphasize the Order, I want to read the last paragraph of her letter:

> "Since these are grants to States and not entitlements for individual children, the States have the authority to allocate the use of these funds and set priorities for their use. Our Region X office in Seattle works directly with States in that region on the provision of services for programs in which there are Federal funds. Therefore, I am forwarding your letter to Edward Singler, Regional Administrator for the Office of Human Development Services in Region X and asking that he have his staff contact you and the appropriate State officials on the provision of services to your Tribe."

I have not received any correspondence since her letter of August 6, 1987, from which I have quoted above.

We have over 270 children which the State has taken custody of since the end of 1983 - since we haven't had legal representation. Last week alone they took thirteen. This does not count the juvenile cases, which number over 700 children from a population of over 10,000 tribe members.

Thank you, Senator Inouye.

September 2, 1988, Anchorage, Alaska, Oversight hearings of the Senate Select Committee on Indian Affairs, Senator Daniel Inouye, Chairman, on S. 1976, a bill to Amend the Indian Child Welfare Act (ICWA) of 1978.

Testimony of Gladys E. Chesley, Director of Tribal Affairs, Maniilaq Association, P.O. Box 256, Kotzebue, AK 99752
Tel. (907) 442-3311.

Mr. Chairman and members of the Committee, my name is Gladys Chesley, Inupiaq Eskimo from ~~[illegible]~~ ~~[illegible]~~ ~~Region~~ Noorvik Alaska. I am employed as the Director of Tribal Affairs for Maniilaq Association, which contracts with the Federal Government and the State to provide a wide variety of services to Native individuals, families, and governments in the Kotzebue area of Alaska, including services funded under Title 2 of the Indian Child Welfare Act. On behalf of Maniilaq Association, thank you for the opportunity to offer testimony on ~~S. 1976~~, the Indian Child Welfare Act Amendments of 1987.

We appreciate the work of this Committee over the years in enacting legislation designed to keep Native families intact. We are also thankful of this Committee's tradition of supporting the role of tribal governments generally, and tribal courts in particular, in their continuing responsibility to protect the welfare of Native children and families through effective tribal governance.

From our perspective, the starting point of this Committee should be to address the jurisdiction of tribal governments in this state to take care of their children. Recent court decisions have interpreted Section 108 of the Act in a manner prohibiting tribal governments in Alaska from utilizing tribal childrens' courts and other tribal resources to care for Native children in need of aid. It is the opinion of the Alaska Supreme Court, and at least one federal judge in this state, that by enacting "Public Law 280" Congress intended to extinguish the authority of tribes to protect their children and replace it with exclusive authority of states such as Alaska. Current case law in this state requires tribes to successfully petition the Secretary of the Interior to "reassume jurisdiction" as a condition precedent to fulfilling the duty under tribal law to protect the welfare of tribal children through direct and immediate tribal action. We do not believe that Congress intended any such result. Section 108 must be further amended to make it clear that tribal governments in Alaska have child welfare jurisdiction concurrent with the state. The ICWA Amendments must confirm the position of Congress that the source of tribal jurisdiction is unextinguished inherent authority, and that the source of state jurisdiction is Public Law 280, which had no effect on tribal jurisdiction.

In our view, the proposed amendments are inadequate in eliminating the intolerable jurisdictional crisis arising from ICWA Section 108. Instead of eliminating ambiguous and objectional language, the proposed amendments *add* language likely to increase confusion. Section 108 should not have been included in the original Act. This mistake can be cured only by deleting Section 108 from the Amendments, and adding a Congressional Finding in Section 2 that Public Law 280 was not intended to deprive tribes of *any* child welfare jurisdiction, and that Section 108 has been misinterpreted in this respect. This could be accomplished by adding the following language to Section 2 (5):

> ***that some state courts and others have mistakenly interpreted the intent of Congress by refusing to recognize the inherent child welfare jurisdiction of tribes, such as those in Alaska, whose authority remains vital without the need to petition the Secretary of the Interior to "reacquire" existing authority.***

Section 2 (5) would then read in its entirety:

> ***"~~(5)~~ that the States, exercising their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families; that some state courts and others have mistakenly interpreted the intent of Congress by refusing to recognize the inherent child welfare jurisdiction of tribes, such as those in Alaska, whose***

> ***authority remains vital without the need to petition the Secretary of the Interior to "reacquire" existing authority.***

To complete the process of eliminating doubts about tribal jurisdiction in Public Law 280 states such as Alaska, we recommend that the following sentence be added to Section 4 (15), which defines a "tribal court."

> ***Tribal court authority over child custody proceedings derives from the inherent powers of tribes, and was not extinguished or diminished in any way by the Act of August 15, 1953 (67 Stat. 588), as amended by title IV of the Act of April 11, 1968 (82 Stat. 73, 78), or any other Federal law.***

Section 4 (15) would then read in its entirety:

> ***"~~(15)~~ 'tribal court' means a court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings. Tribal court authority over child custody proceedings derives from the inherent powers of tribes, and was not extinguished or diminished in any way by the Act of August 15, 1953 ~~(67 Stat. 588)~~, as amended by title IV of the Act of April 11, 1968 (82 ~~Stat. 73, 78),~~ or any other Federal law.***

Mr. Chairman, we also believe that funds appropriated for the operation of Indian Child and Family Programs should be provided to tribes on a non-competitive basis. We have observed many problems with the present system administered by the Bureau of Indian Affairs. Too often grants are awarded as a function of grant writing skills instead of need. Therefore, we recommend that the ICWA Amendments direct the Secretary to develop a system for contracting with tribes on a non-competitive basis to operate Indian Child and Family Programs.

Mr. Chairman, we have observed that the proposed Amendments would increase the authority and role of tribes under ICWA. We do not, however, view the ICWA Amendments as a chance to acquire *additional* powers that villages neither desire nor can afford. Instead, we view these hearings as *the* opportunity to have the child welfare authority of tribes in Alaska affirmed; to have Congress verify that tribal powers to care for children and families are not dependent on occupying a reservation, and exist independent of the status of any given piece of ~~physical property~~ land.

On behalf of Maniilaq Association, thank you once again for this opportunity. I would be pleased to answer any questions at this time.

Testimony of Cook Inlet Tribal Council Before
the
Senate Select Committee on Indian Affairs
on
Amendments to the Indian Child Welfare Act

Anchorage, Alaska

September 2, 1988

Mr. Chairman and members of the Senate Select Committee on Indian Affairs, I am Esther Combs, Executive Director of Cook Inlet Tribal Council (CITC). The Tribal Council was formed in 1983 by the shareholders of Cook Inlet Region, Inc., the regional for-profit ANCSA corporation. As the designated tribal organization, we provide educational, employment, social amd Indian Child Welfare services to all Alaska Natives and American Indians who reside in the Greater Anchorage Area and to villages in the region who have given us authorizing resolutions.

So that you have a better understanding of the conditions up here impacting Alaska Natives, I would like to describe what has happened in the last two - three years. Alaska is currently on the down-side of an almost traditional "boom/bust" economy. The oil-based wealth of the late 1970's is disappearing in a swirl of international politics and economics. Anchorage alone lost 5,300 jobs between 1985 and 1986.

Anchorage, the largest city in the State, contains the greatest number of Alaska Natives and American Indian residents which is estimated at 16,000. The city, which is the hub of travel and communication, is feeling the full effect that the economic crisis is causing throughout the State. The strain being placed upon rural Alaskan communities is causing increased relocation to urban Alaska.

As the single largest ethnic minority in Anchorage, the Alaska Native/American Indian community has been especially hard hit by the depressed economic conditions. With the boom/bust economy and the explosive population growth and later decline which resulted from the Trans-Alaska pipeline, neither nuclear nor extended families have had the time or opportunity to stabilize before the next attack has begun.

Traditional values such as respect for elders, acceptance of family members, dependence on the extended family and importance of children in the family unit are sharply contrasted by new behaviors which have lead to the disruption or destruction of Alaska Native families.

In the last two years, CITC social services staff have responded to thirty-one (31) Indian Child Welfare cases. Twenty-five (25) or 81% of these cases have resulted in reunited Native families.

Many pregnant Native adolescents are being convinced to give their babies away by private organizations who also serve as adoption brokers for these Native adoptees. Few of these young women, or their families, know anything about the Indian Child Welfare Act. It is not explained to them by the private "helping" agencies. A number of well-meaning private organizations have routinely placed or sought to place Native children with non-Native foster parents or adoptive ones, without significant consideration being given to the child's cultural interests. The working assumption often seems to be: if they can place a Native child in a nice White home, the child will automatically be better off than if he or she remained with his or her parents or relatives. Even when it may be true that the White home will be more affluent and as loving toward the child, such an assumption is manifestly patronizing and fails to consider the possibility that the child may need to have a knowledge and understanding of his or her true origins. If nothing else, most Native children will grow up looking like Natives, and because of this visual cue, they will have to deal with the stereotypes of Natives that are too often held by non-Natives. Yet they will not have the knowledge and understanding of their own people which could provide them with the strength and resources to deal with such stereotyped reactions and give them a richer, more complete sense of identity.

As an organization that operates tribal programs, we know exactly on a case by case basis the degree of suffering that Native families and individuals are undergoing who are being ravaged by poverty, lack of work, lack of educational and career opportunities, which lead to alcoholism, child abuse and neglect, as they would in any family regardless of their race. However, our goal is to avail the family of counseling, employment, training or other services to help them deal with their problems and to receive therapeutic care as appropriate for alcoholism, child abuse and neglect, and so on. The end result is to heal individuals and families, to live healthy, productive lives and to promote family unity rather than family fragmentation. Consequently, we believe one of the more important sections of the Indian Child Welfare Act is that requiring that tribes be given timely notification of an impending adoption of a Native child not only in involuntary relinquishments but in voluntary as well. We find that, in the majority of adoption cases, the mother and family want to be helped but unfortunately the extreme frustrations often leave them prey to the kind of help from organizations who prefer removal of the child with placement in a non-Native adoptive home with little regard for disintegration of the family unit. Our experience with private adoption agencies concerning involving our professional services, which include culture as an integral and inseparatable, has been wholly unsatisfactory. CITC strongly advocates for provisions in the Indian Child Welfare Act which would require that Native families receive professional care and services from their tribe or from tribally designated organizations, as appropriate in cases where removal of the child is imminent or recommended, to strive to keep our families intact and to maintain the cultural integrity of our race and of our community.

We have heard the argument many times particularly from these agencies that if a Native mother voluntarily relinquishes her child to an agency for adoption that the tribe need not be notified because the tribe is often considered an "unrelated party" and its involvement would be an infringement on the mother's right to privacy. Neither could be further from the truth. The right to privacy is no more infringed when notice is provided to the child's tribal government than when it is provided to the state government as is required by Alaska statute, Title 25. Both are bound to maintain the confidentiality of children's proceedings. Social work practices in tribal programs, as they are in any professional social services agency, dictate strict adherence to rules for client confidentiality. In those cases when the parent requests anonymity, special steps are taken to protect their identity when processing the matter intra-tribally.

The "unrelatedness" of the Tribe is totally unfounded. A Tribe has a vital relation with any child who is a member of that Tribe. Further, the federal statutory and constitutional protections afforded the Tribe's interest in its children preempt any inconsistent state constitutional barriers.

The final major concern we have regarding the amendments to the Indian Child Welfare Act is insertion of language to strengthen funding appropriations for tribal programs and eliminate the current practice of competitive applications by tribes for ICWA funding. In Alaska, the Bureau of Indian Affairs receives a nominal sum for ICWA, traditionally solicits applications from Native villages or organizations, and awards funds to the top three or six who ranked above a score of 85. This is not acceptable to tribes or tribal organizations in this state who have an overwhelming child welfare caseload and either receive no funds or are granted insufficient amounts by the Bureau to carryout the provisions of the Indian Child Welfare Act.

In closing, Cook Inlet Tribal Council goes on record to support the concerns of tribes statewide on the issues of preserving the jurisdictional rights and decisions of tribal courts and for the inclusion of appropriate language in the Indian Child Welfare Act. Thank you for your consideration.

TESTIMONY

ON THE
INDIAN CHILD WELFARE ACT

By
MARY MILLER

KAWERAK, INC.

Senate Hearings of the
Senate Select Committee
on Indian Affairs
Senator Daniel Inouye,
Chair
Courtroom #1
Anchorage Federal Building
Anchorage, Alaska
September 2, 1988

Good afternoon, Senator Inouye. My name is Mary Miller. I am submitting testimony on behalf of Kawerak, Inc. a regional tribal organization serving 19 tribal councils and their communities in the Bering Straits region. Our offices are located in Nome and I am employed there as the Director of Tribal Affairs. On behalf of our President, Caleb Pungowiyi and the residents of the region, I extend to you a warm welcome and our best wishes that your visit with us will be an enjoyable one.

My testimony addresses the Indian Child Welfare Act and our support of amendments to specific sections of the Act. Many of the amendments we seek are embodied in Senate Bill 1976. The tribal councils in our region have become increasingly involved in child custody proceedings in state court over the past 5 years. These councils have simultaneously been taking steps to assert original tribal jurisdiction over childrens' matters. To date 13 tribal councils have enacted judicial ordinances establishing tribal courts, 8 have enacted children's adoption ordinances, 14 have enacted ordinances establishing foster home licensing standards, and 2 have enacted children's codes. The welfare of member children and their right to be reared within the Native community is of the highest priority of our villages at this time.

To address specific areas of the Act:

1. VOLUNTARY PROCEEDINGS: while the Alaska courts have ruled that ICWA covers voluntary proceedings, we strongly support

amendments to the definition of "child custody proceedings" and Sec. 1913 whereby the provisions of the ICWA itself would clearly cover voluntary proceedings, including placements arranged by private agencies and individuals.

Voluntary proceedings have posed a serious problem in our region where the placement preferences of ICWA have been consistently and systematically circumvented by private individuals and attorneys arranging voluntary adoptions of Native children by non-Native adoptive parents.

As an example, over the past year-and-a-half, we have addressed the problem of adoptive placements of newborns with non-Native families arranged by health professionals involved in direct delivery of health care to expectant patients. This has thwarted our efforts to seek placement of these children in homes which meet the placement standards set forth in ICWA. Fortunately, the board of directors of the health corporation has adopted policies in support of ICWA which in turn have allowed for a MOA with KAWERAK whereby patients now have the opportunity to be counseled on the availability of adoption assistance at Kawerak as well as the requirements of ICWA.

We fully support the proposed new section concerning non-tribal social service agencies. It is absolutely essential that these agencies be required to give notice to tribes if they are handling a case involving an Alaska Native child.

Many, many of our Alaska Native children, who would otherwise be indigenous to the region, are adopted to non-Native families through these private agencies, and tribes are totally unaware of these actions. This problem is exacerbated because many tribal members either reside in urban centers such as Anchorage or travel to Anchorage to deliver their children and arrange for adoption.

2. JURISDICTION: We support language which would clarify that all tribes have exclusive jurisdiction over certain children's cases. This provision is of particular concern to tribes in this region where 13 tribal councils have enacted judicial ordinances to establish tribal courts. Related children's codes membership ordinances, and documentation of traditional boundaries (of historical use and occupancy of lands and waters) have been developed to address the personal, subject matter, and territorial jurisdiction of tribal courts, once functioning. This illustrates that decisive action is being taken by our tribal governments to set up the structures and systems required to successfully assert exclusive jurisdiction over internal domestic relations of tribal members, particular in the area of child welfare.

We believe that the language on jurisdiction in Sec. 101 of S. 1976 would clarify, for the benefit of tribes, the jurisdictional situation between tribes and states particularly in PL 280 states such as Alaska. This section would also legislatively reverse a number of state and federal court decisions which are hostile to and which severely limit recognition of tribal jurisdiction over member children.

3. ICWA VIOLATIONS: We support the language in section 1914 which would give the Indian parties rights of challenge to violations of any section of the Indian Child Welfare Act.

   Kawerak has assisted tribes in intervening in state court proceedings where they have often sought placement of children with extended family and/or in the children's home community. On some occasions we were successful and sometimes we were not. The proposed amendments would further strengthen tribes' statutory protections against violations of placement preferences of ICWA as well as other requirements such as notice. We are seeking to eliminate placements made with no involvement of the tribe, where the tribe reacts to a notice after the fact.

4. EMERGENCY REMOVAL, Sec. 1922: We support the imposition of more stringent procedural standards on the state for processing emergency children's cases in a more timely fashion in order to facilitate total involvement by tribes in the disposition of these cases. We also urge that compliance with ICWA be one of the requirements for licensure of private child placement agencies.

5. FOSTER CARE FUNDS: We urge an amendment whereby placement of

a child in a tribally licensed child care facility would qualify that child for federal assistance, including foster care and adoption assistance under Title IV-E of the Social Security Act. We understand that this provision would eliminate the requirement that tribes seek an agreement with the state to qualify for these Title IV-E payments.

This provision is of great urgency to the tribes in this region. Fourteen (14) of the tribes enacted ordinances establishing standards for tribally licensed foster homes. Accessing IV-E federal funds for foster care assistance would enable these tribes to fully assert jurisdiction over all children's matters, including taking custody of children in need of care and placing them in tribally licensed foster homes.

6. FUNDING GENERALLY:

   1. Funds are desperately needed for legal counsel to adequately represent tribes in state child custody proceedings involving their member children. We are inundated with legal notices concerning our member children. While we do all we can to respond, our resources are limited. Effective implementation of ICWA requires adequate funding.
   2. For FY 1989, Kawerak has been awarded an ICWA grant of $55,000.00, for which we are grateful. However, it simply is not an adequate amount to provide services to 19 tribal

councils and their communities. We also don't feel good about having to compete with other tribes for these grants. We all have the same needs.

In closing, we would express our desire as tribal governments to protect our children's inherent right to grow up within their Native communities with their parents or members of their extended families. Where placement outside of the extended family becomes necessary, we support the standards set out in the Indian Child Welfare Act, and further strengthened by S. 1976, requiring placement of such children in foster or adoptive homes which are reflective of the unique values of those children's Indian culture. The Act further seeks to prevent Indian children from being placed in adoptive and foster-care settings with non-Indian families. We ask for your comittment and endorsement of these rights by your support of proposed amendments to which I have spoken.

Thank you, Senator.

SENATOR INOUYE ICWA TESTIMONY

Honorable Senator Inouye, my name is Theresa Swan and I am the Social Services Director of the Ketchikan Indian Corporation.

INTRODUCTION

The Ketchikan Indian Corporation (KIC) is the federally recognized Indian tribal government in Ketchikan which is one of five Alaskan tribes with an Indian Child Welfare Act (ICWA) grant. Its service area consists of the Borough of Ketchikan, the fourth largest population center in Alaska. Located on Revillagigedo Island in Southeastern Alaska, Ketchikan has a population consisting of Tlingit, Haida and Tsimshian tribal members.

There are 1,500 Natives currently enrolled with the Ketchikan Indian Corporation. KIC estimates that its target population is 400 for ICWA activities. The figure includes an annually estimated 75 children in State custody; 125 children and family members in various phases of transition (youth services, advocacy services and crisis intervention); 65 foster parents; and an additional 135 individuals through foster parent and adoption inquiries, child issue workshops, and community education and service contacts. These target population estimates are based on contacts made in FY 86.

There are no programs in the Ketchikan service area which offer services in the area of advocacy, reunification of displaced children, or family stabilization for the Native community. Non-Native social service agencies provides counseling services to the community, both the cost and the stigma attached to this agency prevents many Native community members from participating. In Addition, the Center is State funded and budget cuts have reduced their service capabilities to the community. Our experience has been that clients prefer to utilize the counseling services offered through the Ketchikan Indian Corporation, as opposed to those offered by Non-Native social service agencies.

The State Division of Family and Youth Services (DFYS) provides limited free family assistance. However, its services are not generally perceived as supportive by the Native community. This is due to the fact that DFYS has the legal authority to remove Native children from their homes for reasons of neglect or abuse and to place them in State custody. The Native community is aware of the State's power in this respect, and thus tends to view DFYS as an adversary, limiting even more the State's efforts of working with Native families in a positive and constructive manner. In addition, it is this Corporation's position that a number of the State funded service agencies do not fully understand or recognize the unique cultural, social or legal status of Natives, further limiting their capabilities in developing effective case plans.

The local DFYS office has gone from a staff of ten full-time and one half-time positions to six full-time workers in the past year. These cutbacks are due to fiscal restraints and lack of qualified applicants. Even if qualified applicants can be recruited, only two of the four and one-half positions will be filled again.

This has severely limited the Division's ability to provide adequate case management and social work services. In fact, the Division has come to rely heavily on the Ketchikan Indian Corporation's staff to help them stabilize families. This office has been called upon regularly by the Division to perform tasks such as investigation, recruitment of foster homes, home visits, supervision, and many other "basic" services that they are too shorthanded to perform. We see our services here in the community as being essential in the coming year for the maintenance of even the most minimum levels of adequate social work in the Native community.

In addition to the agency complications described above, Native clients also face difficulties in communicating with caseworkers, judges and legal officers. Clients find themselves in positions with State, social and judicial staff where they feel reluctant to clarify their misunderstandings. Frequently, Native clients request advocacy of the Ketchikan Indian Corporation's personnel to explain or draft official correspondence, legal documents or judicial decrees.

Ketchikan Indian Corporation has provided the Native community with Indian Child Welfare Services for six years, with the exception of Fiscal Year 1983.

The State of Alaska is not acting in the best interest of KIC tribal members including children, because the State fails to adhere to the provisions of the Indian Child Welfare Act, as evidenced by the disproportionate number of Indian children entering the substitute care system and remaining in the system due to a lack of ICWA training. When developing case management plans, the State social workers take "the path of least resistance." For example, children are placed in the first available foster home. This procedure contributes to poor placement of the child and increases the termination of parental rights.

Tribal ICWA staff members are continually frustrated by the State Court System not recognizing the tribe's right to intervene in private adoption proceedings. We have a case pending now whereby we are on the verge of lose custody of a Native infant being adopted by a non-Native family. We suspect there are more children being lost in this same manner.

Currently, KIC is presently exploring the possibilities of a tribal court which will strengthen the tribe's position in relation to the Indian Child Welfare Act.

We are still confronted with limited resources to carry out the goal of asserting exclusive jurisdiction of our children. To enhance the efficiency of our intervention in the judicial court system, KIC recognizes the necessity of obtaining legal counsel to represent our tribe in matters pertaining to child custody proceedings.

In summary, KIC supports the passage of the ICWA amendments as they elicit the cooperation of state compliance to ICWA as it is not now strictly adhered to. Passage will further promote the retention of the family unit thereby insuring the viability of our tribe. Furthermore, the increased funding requested by all tribes will provide the safety net necessary to reach out protect our greatest resource--our children.

STATEMENT OF WILLIE KASAYULIE, CHAIRMAN
ALASKA NATIVE COALITION

My name is Willie Kasayulie and I am chairman of the Alaska Native Coalition. I would like to thank you for this opportunity to testify before the Senate Select Committee on Indian Affairs on a number of subjects concerning the health and welfare of Alaska Natives and their communities.

The Alaska Native Coalition is a statewide organization comprising Alaska's tribal governments, and village, urban and group corporations established under the Alaska Native Claims Settlement Act. The Coalition supports the unique interests of Alaska's Native communities as regards the strengthening and protection of local Native tribal government, the preservation of the Native land base and Native subsistence rights and other Native cultural, political and economic concerns.

Indian Health Service eligibility regulations, the Indian Child Welfare Act, the Alaska Community Health Aide Program and community-based mental health programs clearly fall within the Coalition's mandate. I am sure the Committee will receive detailed testimony from the individual communities and organizations which carry out these laws, programs and policies. Therefore I will highlight only what I consider to be the critical factors this Committee should consider which impact tribal governance on a statewide basis.

Proposed Indian Health Service Eligibility Regulations

As has been widely reported, the Indian Health Service has proposed regulations which would in many ways narrow the eligibilty of Alaska Natives for medical and dental services. I will not confuse the issue by questioning the motives of the IHS; instead, I will focus attention on the plan to require documentation of tribal membership as reflected by tribal rolls. On the one hand, the IHS is to be applauded for its call to strenghten the fundamental legal connection between the United States and Alaska Natives--the relationship between the United States and Alaska Native tribal governments and their members. On the other hand, the manner and timing of the IHS's proposed regulations, from a practical standpoint, would have untold adverse impacts on individual Alaska Native access to fundamental health care services.

Of the nearly 200 federally-recognized tribes in Alaska, only approximately 20 have even a minimal tribal membership roll of some kind. Scarce resources, dwindling tribal assistance funds, and a decision to dedicate tribal energies to the support and provision of services to their communities has left tribal membership roll development as a low priority among tribes in Alaska. That is not to say that tribes do not want tribal roles. As a general rule, Alaska tribes support recent efforts by the Bureau of Indian Affairs to put on enrollment workshops. But the process will take time and additional resources, more time than the

IHS regulations allow and for this reason the Coalition recommends that the proposed IHS regulations be withdrawn indefinitely.

I wish to offer one note of caution in regard to suggested changes in the language of the IHS eligibility regulations, offered in a joint memorandum from the Alaska Area Native Health Service and the Juneau Area Bureau of Indian Affairs. This language would treat Alaska Natives as a special case distinct from the treatment accorded other Indian Tribes in the lower 48. Although I understand the well intended purpose behind this proposed change, this Committee should know that opponents of tribal government in Alaska are taking every opportunity to show that distinct treatment of Alaska Native tribes and their communities by the United States in laws and regulations such as IHS's implies that the United States did not and does not intend to treat Alaska Native tribes as sovereign, as it does with Indian tribes in the south. The Alaska Supreme Court only days ago decided on this basis that tribes do not even exist in Alaska, although by a very close 3 to 2 vote. This Committee knows better. Native Village of Stevens v. Alaska Management and Planning, No. S-1345 (Alaska filed May 20, 1988) . (The Court's Decision and the Amicus brief of the Alaska Native Coalition is attached to my statement and I ask that it be made a part of the hearing record.) This Committee knows better.

Nonetheless, Alaska tribes now face the fact that the State of Alaska officially denies our existence as sovereign representatives and providers of service to Alaska Native communities. This Committee should be cognizant of this in addressing legislation for Alaska Native tribes. It would be appropriate for this Committee serving in its trust capacity to propose legislation effectively overruling the decision in Stevens Village pursuant to the United States' authority over Indian Affairs, and the Coalition strongly urges that you do so. If this case is not reversed immediately, there will be a flood of litigation in state court against Alaska's tribal governments. In fact, this has already begun. Even the very threat of litigation is now inhibiting the activities of tribes across Alaska. If Congress does not act we will face years of conflicting litigation between the federal courts and the Alaska Supreme Court, a dire and tremendously costly and devisive prospect.

Community-based Mental Health Programs

I address only one general aspect of community based mental health services--the issue of local tribal regulation, an example being liquor ordinances adopted under federal liquor laws. At least three villages--Northway, Chalkyitsik and Minto--have adopted such ordinances. Other villages are interested in this option and at least one, Kipnuk, has drafted one, had it approved at the Area Office and it awaits final approval by the Secretary of Interior.

Local administration of community mental health under tribal and federal authority has been a positive force in Alaska Native communities. Local control under tribal authority advances true Native self-determination by addressing real community needs in a productive and effective manner. By drawing on the legitimate local authority of Alaska Native tribes a foundation is laid for the repair and continued maintenance of community mental health. Despite earlier approvals of local ordinances like Northway's and Minto's there are indications that current petitions are being held up in the Secretary of Interior's office. I ask that this Committee look into this matter and ensure that this model of a successful, community based and community controlled mental health program continue in a timely fashion. Specifically, the Secretary should be instructed to move forward with the approval of Alaska Tribal liquor ordinances immediately.

SENATE SELECT COMMITTEE ON INDIAN AFFAIRS, Hearings, September 2, 1988

Honorable Senator Daniel Inouye, distinguished Committee Members, and distinquished Elders, thank you for your interest in being here today.

My name is Mary Ann Mills and I am a Dena'ina Indian from the Kenai Peninsula, and representing the Sovereign Indigenous Women of the Arctic, a group formed several years ago.

I am here to speak on the Indian Health Service Eligibility. Health care is very important to the Alaska Natives because of the widespread poverty among our people. We are worse off now than we were before the passage of the Alaska Native Claims of 1971.

Because of the grave situation we are in, many Alaska Natives are concerned with the type of health care we are being eligible for. We have epidemic alcoholism and suicide rates among our ethnic group. According to the Centers of Disease Control, the people in western Alaska suffer the world's highest rate of meningitis, of which the greatest risk is the Native infants. We are told hepatitis B is running ramped through many Native Communities. This is of particular concern to us as we have been informed that the hepatitis B vaccine caused aids among certain tribes in Africa. According to another source tribes in a different part of the world, other than Alaska and Africa, are also concerned of the grave effects this vaccine is having on their tribal people. In Bethel, Alaska alone 100 babies got sick and many died due to a virus called the RSV factor, believed to be caused by this vaccine. We understand Alaska Natives are mandated to take this vaccine, and find cases where this was done on minor childred without parental consent. (Some documentations included-other documentations will be forthcoming and mailed directly as the research comes in to us).

Cancer rates among Alaska Natives are very high and still increasing. These are just a few concerns we are focusing our attention on. We are starting to document individual care or lack of care provided to us by IHS, which we will forward

forward to your office.

According to the United States Arctic Research Plan of July 1987, prepared by the Interagency Arctic Research Policy Committee; for Natives using the Indian Health Service an extensive social, cultural, genetic and medical data has been a research project on us and, "..the length of operation and comprehensive nature of this opoulation-based system may be unequaled in the United States." The report goes on to say, "..it provides a resource for studying health problems which will benefit other populations." (Page 220, U.S. Arctic Research Plan)

Some Natives feel our people have been studied and experimented on long enough, and feel our human rights as individuals have been violated. These studies don't seem to help us - we are dying off at a very rapid rate, and we are concerned.

From what I am told by Natives throughout Alaska, The Federal Government has spewed toxic materials acoross Alaska. The oil companies and other companies are also polluting our environment. According to Barbara Collins, spokesperson for Alaska Freeze, "..the previous use and testing of nuclear weapons has caused so much radioactivity to collect within the Arctic Circle that its permanent residents now carry more radioactive elements in their bodies than anyone on earth, except the survivors of Hiroshima and Nagasaki." It is these things that may be contributing to our high rate of cancer. Our land has and still is being violated.

Another problem is inadequate sewer systems through out many parts of Alaska. Some places in Alaska have opened sewage running through their villages. From what we are told this is the leading cause of the hepatitis B epidemic, and may be contributing to the high rate of meningitis. Until we cleanse our environment, the precautions, such as these studies andvaccinations, are like putting a bandage on a dirty wound.

The renouned Elizabeth Kubler-Ross came to Anchorage after receiving People in Peril, Anchorage Daily News, 10 day series, and spoke at the Humana Hospital. She called the high rate of alcoholism and suicide among the Alaskan Natives the

State's quiet little secret. She said "red flags" should have been waving long ago, and our Indian Health Representatives should have been screaming from the roof tops because what is occuring here is tragic, and Native people should speak out. (Anchorage Daily News).

The reason there is so much alcoholism, suicides, and homocides is because of the hopelessness many of us feel, as we watch our culture die. If our Native culture is destroyed, it will exist no where else. We are wondering why, we a people who own such a vast and rich land, and a people who never displaced anyone by coming here, or their right to their way of life in their home land, -- why we are now so very poor, so very sick, and so very distressed?

This corporate structure created for us, without our consent, is causing us much stress. (trading our burial grounds, intimidation of stockholders, including elders, allowing our Corp.'s to act as our govt., ect.)

Until our traditional tribal governments are recognized as sovereign entities to regulate ourselves, the moral blame for our failer lies with the United States and their fiduciary responsibilities, along with the third party interference of the State of Alaska and their State chartered Native Corporations and Incorporations.

As stated in the Presentation To The Women Reverands on March 19, 1988, (encl.) the Bureau of Indian Affairs official said it is plain to see that genocide is occuring with the Alaska Natives.

The solution to our problem is not a political one; it is more basic, it is Human Rights - everyone's Human Rights, as stated in the United Nations Doctrine of Human Rights of 1948, which includes the Elimination of Discrimination Against Women and The Prevention and Punishment of the Crime of Genocide, ratified by the 99th United States Congress and signed by its Chief Executive Officer.

Senator Inouye, many of us are seeking to end this genocide, and we pray for your help. Thank you. (U.N. Doctrine of Human Rights encl.)

Respectively Submitted,
Mary Ann
Mary Ann Mills

The Honorable Senator Inouye:

My name is Delice Calcote - I am Aleut and Yupik and I have 2 sons. I thank you for this opportunity to speak on our Indian Health Service. I have had a few instances that I believe should be addressed.

As stated in the Arctic Research Plan of 1987, on pages 216-323 I address the research project on Hepatitis B. Apparently this project has been going on for 4 years (begun in 1984) and has one more year to go. But as a mother in January, 1987 I did not know of this project being conducted on all Alaska Native children. The first time I heard about it was when my son - in first grade that year - came home and told me he had gotten a shot. I was not consulted nor did I give my permission for him to be a part of this project. After reviewing my son's file at ANMC I find that he was innoculated not once but three times. I received 2 letters after the fact.

- Where did hepatitis come from? I am currently waiting for some info. so I will forward that to you later.
- We are a people who never had that disease before but I did learn from Harrison's Internal Medicine (pg. 1470) that Hep B can come from serum. What innoculation was given to the natives to give them the Hep. B?
- Could it have been from the Yellow Fever inuoculations? Why were those shots given to us? I am also asking if there were any outbreaks of yellow fever in Alaska ever.

I have one brother who died at ANMC in 1979. My brother was admitted to ANMC at approximately 8:00 p.m. and the chief of surgery finally arrived at approx. 8:00 a.m. the next day. This surgeon planned for a different kind of xray, other than the 13 all ready taken during the night. Apparently this xray process is very dangerous and painful. The hospital called my parents for their consent. They said no. The hospital had my brother, who had been receiving drugs during the night, sign the xray form — the hospital says my brother died before they completed the process. This same surgeon was rehired at ANMC after he had had an investigation on his practices done on him close to 20 years ago and the Surgeon General (Dr. Sueffert, 1970) recommended that this man be taken off the staff.

- Why is this surgeon still permitted to work in PHS today?
- Is it common practice to have a person under the influence of drugs signing any type of medical form and esp. for that xray machine?

My youngest sister was born at ANMC. The doctors wanted to give my sister a shot right after birth. My mother said no. When she went to go look at my baby sister she was not in the nursery. Upon asking for her baby no one would say. My mom was overheard by the janitor lady and she told my mom that her baby was taken upstairs. My mom went up, walked right into the room and was informed they had just given her the shot.

- Why are shots given against our wishes?

I have another sister who was admitted into ANMC for drug abuse in the summer of 1973. She was experimenting and had dropped acid when my parents finally sought help from ANMC. My sister has been institutionalized in Alaska Psychiatric Institute for 14 years and this last yr. has been in a half way house. During those 14 years, she had 2 babies. One was adopted by natives and the other the State says they did not keep their records in such a way to trace the whereabouts of the baby. We never did know who the fathers were.

- Why do they treat her with more drugs? Why do natives always be drugged?
- Why do they not change the patients diet? Why do we not teach all about herbs, plants and trees and what they can cure? Why are we not allowed these practices? This earth has many healing plants that cleanse and heal. This is our culture, our life.

I have another sister who worked at the Valdez Terminal on the Alyeska Pipeline project. She was the inventory control clerk who had to dip little numbered metal tags into a solven-glue mixture and place it on every incoming piece of equipment into the camp. After 3 years of doing this job, she lost all her long beautiful hair. She has been living for 10 years with no hair and other ailments as time has gone on.

- Why hasn't the State of Alaska, Alyeska, Fluor or ANMC ever identified the solvent and planned a treatment for her? At the time of the hair loss, she was sent from teamster dr. to an "outside" dr. One loaded her up on drugs shecouldn't even keep her mouth shut the other dr. allegedly "made inappropriate advances" to her and she never went back.
- Why can't the State and Federal governments come up with a treatment plan for her? Why doesn't the oil company who harmed her through negligence or whatever take care of their pollution problems? Why doesn't the government get tough with the oil companies?

I have a grand-aunt who is currently half-paralyzed in Kodiak Island Hospital. She retired out of the Teacher Retirement system in the 60s. The St. of Alaska now says that she didn't pay for the right kind of coverage all these years. KANA (Kodiak Area Native Assn) stated that IHS will not cover long term hospital care. When Medicare was asked they said she makes too much from her retirement check. Her bills are approx. $6,000 per month. Her estate has only the house left and the belongings inside.

- Why do we have to sell her house to make her eligible for medicaid?
- Why did we have to make her absolutely poor in order to qualify for services?
- Why is there not some joint coverage of her bills between the State and Fed. governments?

What if she recovers, everything is gone or sold or rummaged-saled away?

- Why is the State Court putting her house for sale and informing people of the contents of her will, before she dies?

- Why does the St. of AK have any say-so in our lives, making us poor to become part of the welfare system?

If my auntie ever should talk and finds out how this all came to be, I'm sure that a few ears will turn red.

Finally, I have an auntie who died in the hospital on Kodiak. During the last month in the hospital her priest had the Archbisop from Anchorage visit with her and the attorney was called for. When my auntie died, the church had the door locks changed within half an hour. The nuns told my uncle that his belongings had been packed up and were over at the school.

- Why was my family never allowed to a reading of her will?
- Why has it changed? Where is the original will that was replaced? I checked her court records at Kodiak and it was not in the file.
- Why did the church take away the houses and land? Upon checking with the rest of the family they asked what about the original shares of Chrysler Corp. stock that had been passed to my grandmother and her brothers and sisters.
- Why do the churches get to take our land, our history material, our heritage?

We have many questions and concerns. We are scared and angry that so many interferences can happen to us. The State is not in an advocate role with us. The BIA acknowledges Genocide is happening. And Public Health Service is also a part of this physical and mental abuse.

Respectfully,

Delice Calcote

Dated: 9-2-88

Delice Calcote
Sovereign Indigenous Woman of the Arctic

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
HEALTH SERVICES ADMINISTRATION
ALASKA NATIVE HEALTH SERVICE

Hepatitis B Program
Alaska Native Medical Center
P.O. Box 7-741
Anchorage, AK 99510

January 13, 1987

Jarred got shot 1-23-87
1-87
Springhill Elem.

Dear Parent:

The Alaska Area Hepatitis B Screening and Vaccination Program will be working with the Anchorage School District to provide your child with protection against Hepatitis B and liver cancer.

Hepatitis B is a virus which affects the liver. Frequently it causes no symptoms, and many people who have been exposed to the virus don't know it. A simple blood test can tell whether a person has ever been exposed to the Hepatitis B virus.

People who carry the virus in their liver over a long period of time are at risk for cancer of the liver. Children are at highest risk of getting the virus and its complications. It is vital for children, as well as adults, to be immunized. At the time of the blood test the first of three immunizations is given. Heptavax is a very safe, effective and mild vaccine. The major side effect is a "heavy" feeling in the arm for 24 hours and occasionally a small bruise at the injection site.

Vaccination has dramatically decreased the spread of Hepatitis B in rural Alaska, but the disease is increasing rapidly in Alaskan cities.

The Alaska Area Hepatitis B Program would like to screen and begin to vaccinate your child during our visits to Anchorage schools beginning in December, 1986. A permission slip is enclosed. Please sign the permission slip and return it to your school nurse as soon as possible. We will be visiting your child's school on January 23, 1987.

Our commitment is to provide the highest level of medical care for all Native people living in Alaska. Please protect your children against Hepatitis B and liver cancer by allowing them to participate in our screening and vaccination program. These services are all also available to adults and other children at the Alaska Native Medical Center, Room 1-W-8, phone 265-9371.

We thank you for allowing us to provide this service for your child.

Sincerely,

The Hepatitis B Program
Clare Helminiak, M.D.
Brian McMahon, M.D.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
HEALTH SERVICES ADMINISTRATION
ALASKA NATIVE HEALTH SERVICE

Hepatitis B Program
Alaska Native Medical Center
P.O. Box 7-741
Anchorage, Alaska 99510

2-19-87

Dear Parent/Guardian of Jarred:

Results of your child's Hepatitis B screening test indicate that he/she has not been exposed to Hepatitis B and has no natural protection against it. This means your child may continue to receive the Hepatitis B vaccinations or may begin to receive the Heptavax series, if not already started.

The Hepatitis B program is now operating at the Alaska Native Medical Center. Our purpose is to assist you in getting protection from Hepatitis B, and answering your questions and concerns about Hepatitis.

We will be returning to your child's school on ____________ to give the next immunization. The last school immunization date will be in May, 1987.

If your child is absent for either immunization [or if any other member of your family needs screening and/or vaccination] please call us at the ANMC Hepatitis B Program office, 265-9371, to arrange for an appointment here.

If you only authorized your child for a blood test and wish him or her to be immunized at school you must send written permission to the school nurse.

Sincerely,

Hepatitis B Program
Room 1-W-8
Alaska Native Medical Center

Mary Ann Mills

PUBLIC LAW 99-239—JAN. 14, 1986

COMPACT OF FREE ASSOCIATION ACT OF 1985

Public Law 99-239
99th Congress

Joint Resolution

Jan. 14, 1986
[H.J. Res. 187]

To approve the "Compact of Free Association", and for other purposes.

Compact of Free Association Act of 1985.
Micronesia.
Marshall Islands.
48 USC 1681 note.
59 Stat. 1031.

Whereas the United States, in accordance with the Trusteeship Agreement, the Charter of the United Nations and the objectives of the international trusteeship system, has promoted the development of the peoples of the Trust Territory toward self-government or independence as appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned; and

Whereas the United States, in response to the desires of the peoples of the Federated States of Micronesia and the Marshall Islands expressed through their freely-elected representatives and by the official pronouncements and enactments of their lawfully constituted governments, and in consideration of its own obligations under the Trusteeship Agreement to promote self-determination, entered into political status negotiations with representatives of the peoples of the Federated States of Micronesia, and the Marshall Islands; and

Whereas these negotiations resulted in the "Compact of Free Association" which, together with its related agreements, was signed by the United States and by the Federated States of Micronesia and the Republic of the Marshall Islands on October 1, 1982 and June 25, 1983, respectively; and

Whereas the Compact of Free Association was approved by majorities of the peoples of the Federated States of Micronesia and the Marshall Islands in United Nations-observed plebiscites conducted on June 21, 1983 and September 7, 1983, respectively; and

Whereas the Compact of Free Association has been approved by the Governments of the Federated States of Micronesia and the Marshall Islands in accordance with their respective constitutional processes, thus completing fully for the Federated States of Micronesia and the Marshall Islands their domestic approval processes with respect to the Compact as contemplated in Compact Section 411: Now, therefore, be it

Post, p. 1827.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

48 USC 1681 note.

(a) SHORT TITLE.—This joint resolution, together with the Table of Contents in subsection (b) of this section, may be cited as the "Compact of Free Association Act of 1985".

(b) TABLE OF CONTENTS.—The table of contents for this joint resolution is as follows:

TITLE I—APPROVAL OF COMPACT; INTERPRETATION OF, AND UNITED STATES POLICIES REGARDING, COMPACT; SUPPLEMENTAL PROVISIONS

Sec. 101. Approval of Compact of Free Association.
  (a) Federated States of Micronesia.
  (b) Marshall Islands.
  (c) Reference to the Compact.
  (d) Amendment, Change, or Termination in the Compact and Certain Agreements.
  (e) Subsidiary Agreements Deemed Bilateral.
  (f) Effective Date.
Sec. 102. Agreements With Federated States of Micronesia.
  (a) Law Enforcement Assistance.
  (b) Economic Development Plans Review Process.
  (c) Agreement on Audits.
Sec. 103. Agreements With and Other Provisions Related to the Marshall Islands.
  (a) Law Enforcement Assistance.
  (b) Economic Development Plans Review Process.
  (c) Ejit.
  (d) Kwajalein Payments.
  (e) Section 177 Agreement.
  (f) Nuclear Test Effects.
  (g) Espousal Provisions.
  (h) DOE Radiological Health Care Program; USDA Agricultural and Food Programs.
  (i) Rongelap.
  (j) Four Atoll Health Care Program.
  (k) Enjebi Community Trust Fund.
  (l) Bikini Atoll Cleanup.
  (m) Agreement on Audits.
Sec. 104. Interpretation of and United States Policy Regarding Compact of Free Association.
  (a) Human Rights.
  (b) Immigration.
  (c) Nonalienation of Lands.
  (d) Nuclear Waste Disposal.
  (e) Impact of Compact on U.S. Areas
  (f) Fisheries Management.
  (g) Foreign Loans.
Sec. 105. Supplemental Provisions.
  (a) Domestic Program Requirements.
  (b) Relations With the Federated States of Micronesia and the Marshall Islands.
  (c) Continuing Trust Territory Authorization.
  (d) Medical Referral Debts.
  (e) Survivability.
  (f) Registration for Agents of Micronesian Governments.
  (g) Noncompliance Sanctions.
  (h) Continuing Programs and Laws.
  (i) College of Micronesia; Education Programs.
  (j) Trust Territory Debts to U.S. Federal Agencies.
  (k) Use of DOD Medical Facilities.
  (l) Technical Assistance.
  (m) Prior Service Benefits Program.
  (n) Indefinite Land Use Payments.
  (o) Communicable Disease Control Program.
  (p) Trust Funds.
  (q) Annual Reports on Determinations Under Compact Section 313.
  (r) User Fees
Sec. 106. Construction Contract Assistance.
  (a) Assistance to U.S. Firms.
  (b) Authorization.
Sec. 107. Limitations.
  (a) Prohibition.
  (b) Termination.
Sec. 108. Transitional Immigration Rules.
  (a) Citizen of Northern Mariana Islands.
  (b) Termination.
Sec. 109. Timing
Sec. 110. Implementation of Audit Agreements.
  (a) Transmission of Annual Financial Statement.
  (b) Annual Audits By the President.
  (c) Authority of GAO.
Sec. 111. Compensatory Adjustments
  (a) Additional Programs and Services.
  (b) Investment Development Funds.
  (c) Board of Advisors.
  (d) Further Amounts.

TITLE II—COMPACT OF FREE ASSOCIATION

Sec. 201. Compact of Free Association.

Title One—Governmental Relations

Article I—Self-Government.
Article II—Foreign Affairs.
Article III—Communications.
Article IV—Immigration.
Article V—Representation.
Article VI—Environmental Protection.
Article VII—General Legal Provisions.

Title Two—Economic Relations

Article I—Grant Assistance.
Article II—Program Assistance.
Article III—Administrative Provisions.
Article IV—Trade.
Article V—Finance and Taxation.

Title Three—Security and Defense Relations

Article I—Authority and Responsibility.
Article II—Defense Facilities and Operating Rights.
Article III—Defense Treaties and International Security Agreements.
Article IV—Service in Armed Forces of the United States.
Article V—General Provisions.

Title Four—General Provisions

Article I—Approval and Effective Date.
Article II—Conference and Dispute Resolution.
Article III—Amendment.
Article IV—Termination.
Article V—Survivability.
Article VI—Definition of Terms.
Article VII—Concluding Provisions.

Sec. 202. Jurisdiction.

TITLE III—PACIFIC POLICY REPORTS

Sec. 301. Findings.
Sec. 302. Reports.
  (a) Submission.
  (b) Contents.
Sec. 303. Conference.
  (a) Meeting.
  (b) Participants.
  (c) Written Comments.
Sec. 304. Administrative Matters.
  (a) Administrative Support.
  (b) Authorization of Appropriations.

TITLE IV—CLARIFICATION OF CERTAIN TRADE AND TAX PROVISIONS OF THE COMPACT

Sec. 401. Freely Associated States Tariff Treatment.
  (a) Section 242.
  (b) Section 243.
Sec. 402. Construction of Section 253 of the Compact.
Sec. 403. Construction of Section 254 of the Compact.
Sec. 404. Construction of Section 255 of the Compact.
Sec. 405. The Marshall Islands and the Federated States of Micronesia Treated as North American Area.
Sec. 406. Effective Date.
Sec. 407. Study of Tax Provisions.
Sec. 408. Coordination With Other Provisions.

TITLE V—COMPACT OF FREE ASSOCIATION WITH PALAU

Sec. 501. Approval In Principle of the Compact.
Sec. 502. Modifications of the Compact.

TITLE I—APPROVAL OF COMPACT; INTERPRETATION OF, AND U.S. POLICIES REGARDING, COMPACT; SUPPLEMENTAL PROVISIONS

SECTION 101. APPROVAL OF COMPACT OF FREE ASSOCIATION.

48 USC 1681 note

(a) FEDERATED STATES OF MICRONESIA.—The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of the Federated States of Micronesia is hereby approved, and Congress hereby consents to the subsidiary agreements as set forth on pages 115 through 391 of House Document 98-192 of March 30, 1984, as they relate to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

President of U S

Post, p 1827

(b) MARSHALL ISLANDS.—The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of the Marshall Islands is hereby approved, and Congress hereby consents to the subsidiary agreements as set forth on pages 115 through 391 of House Document 98-192 of March 30, 1984, as they relate to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

President of U S

(c) REFERENCE TO THE COMPACT.—Any reference in this joint resolution to "the Compact" shall be treated as a reference to the Compact of Free Association set forth in title II of this joint resolution.

(d) AMENDMENT, CHANGE, OR TERMINATION IN THE COMPACT AND CERTAIN AGREEMENTS.—(1) Mutual agreement by the Government of the United States as provided in the Compact which results in amendment, change, or termination of all or any part thereof shall be effected only by Act of Congress and no unilateral action by the Government of the United States provided for in the Compact, and having such result, may be effected other than by Act of Congress.

(2) The provisions of paragraph (1) shall apply—

(A) to all actions of the Government of the United States under the Compact including, but not limited to, actions taken pursuant to sections 431, 432, 441, or 442;

Post, p 1829

(B) to any amendment, change, or termination in the Agreement between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(j) of the Compact and the Agreement between the Government of the United States and the Government of the Marshall Islands Concerning Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(k) of the Compact;

Post, p 1833

(C) to any amendment, change, or termination of the agreements concluded pursuant to Compact sections 175, 177, and

221(a)(5), the terms of which are incorporated by reference into the Compact; and

Post, pp. 1812, 1816.

(D) to the following subsidiary agreements, or portions thereof:

Post, p. 1833.

(i) Article II of the agreement referred to in section 462(a) of the Compact;

(ii) Article II of the agreement referred to in section 462(b) of the Compact;

(iii) Article II and Section 7 of Article XI of the agreement referred to in section 462(e) of the Compact;

(iv) the agreement referred to in section 462(f) of the Compact;

(v) Articles III and IV of the agreement referred to in section 462(g) of the Compact;

(vi) Articles III and IV of the agreement referred to in section 462(h) of the Compact; and

(vii) Articles VI, XV, and XVII of the agreement referred to in section 462(i) of the Compact.

(e) Subsidiary Agreements Deemed Bilateral.—For purposes of implementation of the Compact and this joint resolution, each of the subsidiary agreements referred to in subsections (a) and (b) (whether or not bilateral in form) shall be deemed to be bilateral agreements between the United States and each other party to such subsidiary agreement. The consent or concurrence of any other party shall not be required for the effectiveness of any actions taken by the United States in conjunction with either the Federated States of Micronesia or the Marshall Islands which are intended to affect the implementation, modification, suspension, or termination of any such subsidiary agreement (or any provision thereof) as regards the mutual responsibilities of the United States and the party in conjunction with whom the actions are taken.

President of U.S.

(f) Effective Date.—(1) The President shall not agree to an effective date for the Compact, as authorized by this section, until after certifying to Congress that the agreements described in section 102 and section 103 of this title have been concluded.

Post, pp. 1775, 1778.

(2) Any agreement concluded with the Federated States of Micronesia or the Marshall Islands pursuant to sections 102 and 103 of this title and any agreement which would amend, change, or terminate any subsidiary agreement or portion thereof as set forth in paragraph (4) of this subsection shall be submitted to the Congress. No such agreement shall take effect until after the expiration of 30 days after the date such agreement is so submitted (excluding days on which either House of Congress is not in session).

(3) No agreement described in paragraph (2) shall take effect if a joint resolution of disapproval is enacted during the period specified in paragraph (2). For the purpose of expediting the consideration of such a joint resolution, a motion to proceed to the consideration of any such joint resolution after it has been reported by an appropriate committee shall be treated as highly privileged in the House of Representatives. Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of Public Law 94-329.

90 Stat. 765.

(4) The subsidiary agreements or portions thereof referred to in paragraph (2) are as follows:

Post, p. 1833.

(A) Articles III and IV of the agreement referred to in section 462(b) of the Compact.

(B) Articles III, IV, V, VI, VII, VIII, IX, X, and XI (except for Section 7 thereof) of the agreement referred to in section 462(e) of the Compact. Post, p. 1833.

(C) Articles IV, V, X, XIV, XVI, and XVIII of the agreement referred to in section 462(i) of the Compact.

(D) Articles II, V, VI, VII, and VIII of the agreement referred to in section 462(g) of the Compact.

(E) Articles II, V, VI, and VIII of the agreement referred to in section 462(h) of the Compact.

(F) The Agreement set forth on pages 388 through 391 of House Document 98-192 of March 30, 1984.

(5) No agreement between the United States and the Government of either the Federated States of Micronesia or the Marshall Islands which would amend, change, or terminate any subsidiary agreement or portion thereof, other than those set forth in subsection (d) of this section or paragraph (4) of this subsection shall take effect until the President has transmitted such agreement to the President of the Senate and the Speaker of the House of Representatives together with an explanation of the agreement and the reasons therefore.

SEC. 102. AGREEMENTS WITH FEDERATED STATES OF MICRONESIA.

48 USC 1681 note.

(a) Law Enforcement Assistance.—

President of U.S.

(1) Agreement.—The President of the United States shall negotiate with the Government of the Federated States of Micronesia an agreement pursuant to section 175 of the Compact which is in addition to the Agreement pursuant to such section dated October 1, 1982, and transmitted to the Congress by the President on February 20, 1985. Such additional agreement shall provide as follows:

Post, p. 1812.

(A) Mutual assistance in law enforcement.—The law enforcement agencies of the United States and the Federated States of Micronesia shall assist one another, as mutually agreed, in the prevention and investigation of crimes and the enforcement of the laws of the United States and the Federated States of Micronesia specified in subparagraph (C) of this paragraph. The United States and the Federated States of Micronesia will authorize mutual assistance with respect to investigations, inquiries, audits and related activities by the law enforcement agencies of both Governments in the United States and the Federated States of Micronesia. In conducting activities authorized in accordance with this section, the United States and the Federated States of Micronesia will act in accordance with the constitution and laws of the jurisdiction in which such activities are conducted.

(B) Narcotics and control of illegal substances.—The United States and the Federated States of Micronesia will take all reasonable and necessary steps, as mutually agreed, based upon consultations in which the Attorney General or other designated official of each Government participates, to prevent the use of the lands, waters, and facilities of the United States or the Federated States of Micronesia for the purposes of cultivation of, production of, smuggling of, trafficking in, and abuse of any controlled substance as defined in section 102(6) of the United States Controlled Substances Act and Schedules I through V of Subchapter II of the Controlled Substances Act of the Fed- 21 USC 802.

erated States of Micronesia, or for the distribution of any such substance to or from the Federated States of Micronesia or to or from the United States or any of its territories or commonwealths.

(C) OTHER CRIMINAL LAWS.—Assistance provided pursuant to this subsection shall also extend to, but not be limited to, prevention and prosecution of violations of the laws of the United States and the laws of the Federated States of Micronesia related to terrorism, espionage, racketeer influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities, as well as the schedule of offenses set forth in Appendix A of the subsidiary agreement to section 175 of the Compact.

Post, p. 1812.

Drugs and drug abuse.

Post, pp. 1817, 1818.

(2) TECHNICAL AND TRAINING ASSISTANCE.—Pursuant to sections 224 and 226 of the Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia to develop and adequately enforce laws of the Federated States of Micronesia and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(l) of this title may be used to reimburse State or local agencies providing such assistance.

Post, p. 1791.

(3) CONSULTATION.—Any official, designated by this joint resolution or by the President to negotiate any agreement under this section, shall consult with affected law enforcement agencies prior to entering into such an agreement on behalf of the United States.

President of U.S.

(4) REPORT.—The President shall report annually to Congress on the implementation of this subsection. Such report shall provide statistical and other information about the incidence of crimes in the Federated States of Micronesia which have an impact upon United States jurisdictions, and propose measures which the United States and the Federated States of Micronesia should take in order better to prevent and prosecute violations of the laws of the United States and the Federated States of Micronesia. The reports required under section 481(e) of the Foreign Assistance Act of 1961 shall include relevant information concerning the Federated States of Micronesia.

Ante, p. 229.

(b) ECONOMIC DEVELOPMENT PLANS REVIEW PROCESS.—

President of U.S.

Post, p. 1813.

Ante, p. 1773.

(1) SUBMISSION.—Notwithstanding section 211(b) of the Compact, the President may agree to an effective date for the Compact pursuant to section 101(a) of this title if the Government of the Federated States of Micronesia agrees to submit economic development plans consistent with section 211(b) of the Compact to the Government of the United States for concurrence at intervals no greater than every 5 years for the duration of the Compact. Any capital construction project and any planned independent purchase of aircraft which is to be financed (directly or indirectly) through the use of funds provided under section 211 of the Compact shall be identified in the economic development plans.

Aircraft and air carriers.

(2) UNITED STATES GOVERNMENT REVIEW.—The United States shall not concur in those development plans described in paragraph (1) of this subsection until—

President of U.S.

(A) after the President of the United States has conducted a review and reported the findings of the President to the Congress; and

(B) the Congress has had 30 days (excluding days on which both Houses of Congress are not in session) to review the findings of the President.

President of U.S.

(3) REPORT.—The President shall complete the review under paragraph (2) and shall report the findings no later than 60 days after the President's receipt of such plans.

(4) VIEWS AND COMMENTS.—The report shall include the views of the Secretary of the Interior, the Administrator of the Agency for International Development, and the heads of such other Executive departments as the President may decide to include in the report, as well as any comments which the Federated States of Micronesia may wish to have included.

Post, p. 1819.

(c) AGREEMENT ON AUDITS.—In accordance with section 233 of the Compact, the President of the United States, in consultation with the Comptroller General of the United States, shall negotiate with the Government of the Federated States of Micronesia modifications to the "Agreement Concerning Procedures for the Implementation of United States Economic Assistance, Programs and Services Provided in the Compact of Free Association", which shall provide as follows:

Grants.

(1) GENERAL AUTHORITY OF THE GAO TO AUDIT.—

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Federated States of Micronesia under Articles I and II of Title Two of the Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Federated States of Micronesia.

Post, p. 1819.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 233 of the Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) GAO ACCESS TO RECORDS.—

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Federated States of Micronesia.

(3) REPRESENTATIVE STATUS FOR GAO REPRESENTATIVES.—The Comptroller General and his duly authorized representatives shall be accorded the status set forth in Article V of Title One of the Compact.

Post, p. 1813.

(4) ANNUAL FINANCIAL STATEMENTS.—As part of the annual report submitted by the Government of the Federated States of Micronesia under section 211 of the Compact, the Government shall include annual financial statements which account for the use of all of the funds provided by the Government of the United States to the Government under the Compact or otherwise. Such financial statements shall be prepared in accordance with generally accepted accounting procedures, except as may otherwise be mutually agreed. Not later than 180 days after the end of the United States fiscal year with respect to which such funds were provided, each such statement shall be submitted to the President for audit and transmission to the Congress.

(5) DEFINITION OF AUDITS.—As used in this subsection, the term "audits" includes financial, program, and management audits, including determining—

(A) whether the Government of the Federated States of Micronesia has met the requirements set forth in the Compact, or any related agreement entered into under the Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Federated States of Micronesia pursuant to such grants or assistance.

(6) COOPERATION BY FEDERATED STATES OF MICRONESIA.—The Government of the Federated States of Micronesia will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

48 USC 1681 note.

SEC. 103. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE MARSHALL ISLANDS.

(a) LAW ENFORCEMENT ASSISTANCE.—

President of U.S.

Post, p. 1812.

(1) AGREEMENT.—The President of the United States shall negotiate with the Government of the Marshall Islands an agreement pursuant to section 175 of the Compact which is in addition to the Agreement pursuant to such section dated May 30, 1982, and transmitted to the Congress by the President on February 20, 1985. Such additional agreement shall provide as follows:

(A) MUTUAL ASSISTANCE IN LAW ENFORCEMENT.—The law enforcement agencies of the United States and the Marshall Islands shall assist one another, as mutually agreed, in the prevention and investigation of crimes and the enforcement of the laws of the United States and the Marshall Islands specified in subparagraph (C) of this paragraph. The United States and the Marshall Islands will authorize mutual assistance with respect to investigations, inquiries, audits and related activities by the law enforcement agencies of both Governments in the United States and the Marshall Islands. In conducting activities authorized in accordance with this section, the United States and the Marshall Islands will act in accordance with the constitution and laws of the jurisdiction in which such activities are conducted.

(B) NARCOTICS AND CONTROL OF ILLEGAL SUBSTANCES.—The United States and the Marshall Islands will take all reasonable and necessary steps, as mutually agreed, based upon consultations in which the Attorney General or other designated official of each Government participates, to prevent the use of the lands, waters, and facilities of the United States or the Marshall Islands for the purposes of cultivation of, production of, smuggling of, trafficking in, and abuse of any controlled substance as defined in section 102(6) of the United States Controlled Substances Act and Schedules I through V of Subchapter II of the Controlled Substances Act of the Marshall Islands, or for the distribution of any such substance to or from the Marshall Islands or to or from the United States or any of its territories or commonwealths.

21 USC 802.

(C) OTHER CRIMINAL LAWS.—Assistance provided pursuant to this subsection shall also extend to, but not be limited to, prevention and prosecution of violations of the laws of the United States and the laws of the Marshall Islands related to terrorism, espionage, racketeer influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities, as well as the schedule of offenses set forth in Appendix A of the subsidiary agreement to section 175 of the Compact.

Post, p. 1812.

Drugs and drug abuse.

Post, pp. 1817, 1818.

(2) TECHNICAL AND TRAINING ASSISTANCE.—Pursuant to sections 224 and 226 of the Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Marshall Islands to develop and adequately enforce laws of the Marshall Islands and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(l) of this title may be used to reimburse State or local agencies providing such assistance.

Post, p. 1791.

(3) CONSULTATION.—Any official, designated by this joint resolution or by the President to negotiate any agreement under this section, shall consult with affected law enforcement agencies prior to entering into such an agreement on behalf of the United States.

President of U.S.

(4) REPORT.—The President shall report annually to Congress on the implementation of this subsection. Such report shall provide statistical and other information about the incidence of crimes in the Marshall Islands which have an impact upon United States jurisdictions, and propose measures which the United States and the Marshall Islands should take in order better to prevent and prosecute violations of the laws of the

Ante, p. 229.

United States and the Marshall Islands. The reports required under section 481(e) of the Foreign Assistance Act of 1961 shall include relevant information concerning the Marshall Islands.

(b) Economic Development Plans Review Process.—

Post, p. 1813.
Ante, p. 1773.

(1) Submission.—Notwithstanding section 211(b) of the Compact, the President may agree to an effective date for the Compact pursuant to section 101(b) of this title if the Government of the Marshall Islands agrees to submit economic development plans consistent with section 211(b) of the Compact to the Government of the United States for concurrence at intervals no greater than every 5 years for the duration of the Compact. Any capital construction project and any planned independent purchase of aircraft which is to be financed (directly or indirectly) through the use of funds provided under section 211 of the Compact shall be identified in the economic development plans.

Aircraft and air carriers.

(2) United states government review.—The United States shall not concur in those development plans described in paragraph (1) of this subsection until—

President of U.S.

(A) after the President of the United States has conducted a review and reported the findings of the President to the Congress; and

(B) the Congress has had 30 days (excluding days on which both Houses of Congress are not in session) to review the findings of the President.

President of U.S.

(3) Report.—The President shall complete the review under paragraph (2) and shall report the findings no later than 60 days after the President's receipt of such plans.

Report.

(4) Views and comments.—The report shall include the views of the Secretary of the Interior, the Administrator of the Agency for International Development, and the heads of such other Executive departments as the President may decide to include in the report, as well as any comments which the Marshall Islands may wish to have included.

President of U.S.
Claims.

(c) Ejit.—(1) The President of the United States shall negotiate with the Government of the Marshall Islands an agreement whereby, without prejudice as to any claims which have been or may be asserted by any party as to rightful title and ownership of any lands on Ejit, the Government of the Marshall Islands shall assure that lands on Ejit used as of January 1, 1985, by the people of Bikini, will continue to be available without charge for their use, until such time as Bikini is restored and inhabitable and the continued use of Ejit is no longer necessary, unless a Marshall Islands court of competent jurisdiction finally determines that there are legal impediments to continued use of Ejit by the people of Bikini.

(2) If the impediments described in paragraph (1) do arise, the United States will cooperate with the Government of the Marshall Islands in assisting any person adversely affected by such judicial determination to remain on Ejit, or in locating suitable and acceptable alternative lands for such person's use.

(3) Paragraph (1) shall not be applied in a manner which would prevent the Government of the Marshall Islands from acting in accordance with its constitutional processes to resolve title and ownership claims with respect to such lands or from taking substitute or additional measures to meet the needs of the people of Bikini with their democratically expressed consent and approval.

(d) Kwajalein Payments.—

(1) Statement of policy.—The Congress of the United States hereby declares that it is the policy of the United States that payment of funds by the Government of the Marshall Islands to the landowners of Kwajalein Atoll in accordance with the land use agreement dated October 19, 1982, and the related allocation agreements, is required in order to ensure that the Government of the United States will be able to fulfill its obligations and responsibilities under Title Three of the Compact and the subsidiary agreements concluded pursuant thereto.

(2) Failure to pay.—In the event that the Government of the Marshall Islands fails to make payments in accordance with paragraph (1) of this subsection, the Government of the United States shall initiate procedures under Section 313 of the Compact and consult with the Government of the Marshall Islands with respect to the basis for such non-payment of funds. The United States shall expeditiously resolve the matter of any non-payment of funds as described in paragraph (1) of this subsection pursuant to Section 313 of the Compact and the authority and responsibility of the Government of the United States for security and defense matters in or relating to the Marshall Islands. This paragraph shall be enforced, as may be necessary, in accordance with section 105(g)(2) of this joint resolution.

Post, p. 1822.

Post, p. 1791.

President of U.S.
Loans.
Grants.

(3) Assistance.—The President is hereby authorized to make loans and grants to the Government of the Marshall Islands for the sole use of the Kwajalein Atoll Development Authority for the benefit of the Kwajalein landowners of amounts sought by such authority for development purposes, pursuant to a development plan for Kwajalein Atoll which such authority has adopted in accordance with applicable laws of the Marshall Islands. Such loans and grants shall be subject to such other terms and conditions as the President, in his discretion, may determine appropriate and necessary.

Post, p. 1812.

(e) Section 177 Agreement.—(1) In furtherance of the purposes of Article I of the Subsidiary Agreement for Implementation of Section 177 of the Compact, the payment of the amount specified therein shall be made by the United States under Article I of the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") only after the Government of the Marshall Islands has notified the President of the United States as to which investment management firm has been selected by such Government to act as Fund Manager under Article I of the Section 177 Agreement.

(2) In the event that the President determines that an investment management firm selected by the Government of the Marshall Islands does not meet the requirements specified in Article I of the Section 177 Agreement, the United States shall invoke the conference and dispute resolution procedures of Article II of Title Four of the Compact. Pending the resolution of such a dispute and until a qualified Fund Manager has been designated, the Government of the Marshall Islands shall place the funds paid by the United States pursuant to Article I of the Section 177 Agreement into an interest-bearing escrow account. Upon designation of a qualified Fund Manager, all funds in the escrow account shall be transferred to the control of such Fund Manager for management pursuant to the Section 177 Agreement.

(3) If the Government of the Marshall Islands determines that some other investment firm should act as Fund Manager in place of the firm first (or subsequently) selected by such Government, the Government of the Marshall Islands shall so notify the President of the United States, identifying the firm selected by such Government to become Fund Manager, and the President shall proceed to evaluate the qualifications of such identified firm.

(4) At the end of 15 years after the effective date of the Compact, the firm then acting as Fund Manager shall transfer to the Government of the Marshall Islands, or to such account as such Government shall so notify the Fund Manager, all remaining funds and assets being managed by the Fund Manager under the Section 177 Agreement.

Ante, p. 1781.
Report.
Public availability.

(5) An annual report concerning all actions of the Fund Manager pursuant to the Section 177 Agreement and this joint resolution, including information prepared by the Fund Manager, shall be transmitted by the Government of the Marshall Islands to the Congress. Such report shall include such information (whether received from the Fund Manager or any other source) as relates to the disbursements provided for in Article II of the Section 177 Agreement. Such report shall be made public.

Hazardous materials.

(f) NUCLEAR TEST EFFECTS.—In approving the Compact, the Congress understands and intends that the peoples of Bikini, Enewetak, Rongelap, and Utrik, who were affected by the United States nuclear weapons testing program in the Marshall Islands, will receive the amounts of $75,000,000 (Bikini); $48,750,000 (Enewetak), $37,500,000 (Rongelap); and $22,500,000 (Utrik), respectively, which amounts shall be paid out of proceeds from the fund established under Article I, section 1 of the subsidiary agreement for the implementation of section 177 of the Compact. The amounts specified in this subsection shall be in addition to any amounts which may be awarded to claimants pursuant to Article IV of the subsidiary agreement for the implementation of Section 177 of the Compact.

Post, p. 1812.

(g) ESPOUSAL PROVISIONS.—(1) It is the intention of the Congress of the United States that the provisions of section 177 of the Compact of Free Association and the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") constitute a full and final settlement of all claims described in Articles X and XI of the Section 177 Agreement, and that any such claims be terminated and barred except insofar as provided for in the Section 177 Agreement.

(2) In furtherance of the intention of Congress as stated in paragraph (1) of this subsection, the Section 177 Agreement is hereby ratified and approved. It is the explicit understanding and intent of Congress that the jurisdictional limitations set forth in Article XII of such Agreement are enacted solely and exclusively to accomplish the objective of Article X of such Agreement and only as a clarification of the effect of Article X, and are not to be construed or implemented separately from Article X.

(h) DOE RADIOLOGICAL HEALTH CARE PROGRAM; USDA AGRICULTURAL AND FOOD PROGRAMS.—

(1) MARSHALL ISLANDS PROGRAM.—Notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining 174 members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermonuclear "Bravo" test, pursuant to Public Laws 95-134 and 96-205. Such medical care and its accompanying logistical support shall total $22,500,000 over the first 11 years of the Compact.

91 Stat. 1159.
94 Stat. 84.

President of U.S.

(2) AGRICULTURAL AND FOOD PROGRAMS.—Notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, for the first five years after the effective date of the Compact, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall provide technical and other assistance—

(A) without reimbursement, to continue the planting and agricultural maintenance program on Enewetak;

(B) without reimbursement, to continue the food programs of the Bikini and Enewetak people described in section 1(d) of Article II of the Subsidiary Agreement for the Implementation of Section 177 of the Compact and for continued waterborne transportation of agricultural products to Enewetak including operations and maintenance of the vessel used for such purposes.

Post, p. 1812.

(3) PAYMENTS.—Payments under this subsection shall be provided to such extent or in such amounts as are necessary for services and other assistance provided pursuant to this subsection. It is the sense of Congress that after the periods of time specified in paragraphs (1) and (2) of this subsection, consideration will be given to such additional funding for these programs as may be necessary.

Hazardous materials.
Contracts.

(i) RONGELAP.—(1) Because Rongelap was directly affected by fallout from a 1954 United States thermonuclear test and because the Rongelap people remain unconvinced that it is safe to continue to live on Rongelap Island, it is the intent of Congress to take such steps (if any) as may be necessary to overcome the effects of such fallout on the habitability of Rongelap Island, and to restore Rongelap Island, if necessary, so that it can be safely inhabited. Accordingly, it is the expectation of the Congress that the Government of the Marshall Islands shall use such portion of the funds specified in Article II, section 1(e) of the subsidiary agreement for the implementation of section 177 of the Compact as are necessary for the purpose of contracting with a qualified scientist or group of scientists to review the data collected by the Department of Energy relating to radiation levels and other conditions on Rongelap Island resulting from the thermonuclear test. It is the expectation of the Congress that the Government of the Marshall Islands, after consultation with the people of Rongelap, shall select the party to review such data, and shall contract for such review and for submission of a report to the President of the United States and the Congress as to the results thereof.

Post, p. 1812.
Report.

Report.

(2) The purpose of the review referred to in paragraph (1) of this subsection shall be to establish whether the data cited in support of the conclusions as to the habitability of Rongelap Island, as set forth in the Department of Energy report entitled: "The Meaning of Radiation for Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978", dated November 1982, are

adequate and whether such conclusions are fully supported by the data. If the party reviewing the data concludes that such conclusions as to habitability are fully supported by adequate data, the report to the President of the United States and the Congress shall so state. If the party reviewing the data concludes that the date are inadequate to support such conclusions as to habitability or that such conclusions as to habitability are not fully supported by the data, the Government of the Marshall Islands shall contract with an appropriate scientist or group of scientists to undertake a complete survey of radiation and other effects of the nuclear testing program relating to the habitability of Rongelap Island. Such sums as are necessary for such survey and report concerning the results thereof and as to steps needed to restore the habitability of Rongelap Island are authorized to be made available to the Government of the Marshall Islands.

(3) It is the intent of Congress that such steps (if any) as are necessary to restore the habitability of Rongelap Island and return the Rongelap people to their homeland will be taken by the United States in consultation with the Government of the Marshall Islands and, in accordance with its authority under the Constitution of the Marshall Islands, the Rongelap local government council.

Hazardous materials.

Ante, p. 1781.

91 Stat. 1159.
94 Stat. 84.

(j) Four Atoll Health Care Program.—(1) Services provided by the United States Public Health Service or any other United States agency pursuant to section 1(a) of Article II of the Agreement for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") shall be only for services to the people of the Atolls of Bikini, Enewetak, Rongelap, and Utrik who were affected by the consequences of the United States nuclear testing program, pursuant to the program described in Public Law 95-134 and Public Law 96-205 and their descendants (and any other persons identified as having been so affected if such identification occurs in the manner described in such public laws). Nothing in this subsection shall be construed as prejudicial to the views or policies of the Government of the Marshall Islands as to the persons affected by the consequences of the United States nuclear testing program.

(2) At the end of the first year after the effective date of the Compact and at the end of each year thereafter, the providing agency or agencies shall return to the Government of the Marshall Islands any unexpended funds to be returned to the Fund Manager (as described in Article I of the Section 177 Agreement) to be covered into the Fund to be available for future use.

(3) The Fund Manager shall retain the funds returned by the Government of the Marshall Islands pursuant to paragraph (2) of this subsection, shall invest and manage such funds, and at the end of 15 years after the effective date of the Compact, shall make from the total amount so retained and the proceeds thereof annual disbursements sufficient to continue to make payments for the provision of health services as specified in paragraph (1) of this subsection to such extent as may be provided in contracts between the Government of the Marshall Islands and appropriate United States providers of such health services.

Hazardous materials.

Post, p. 1812.

(k) Enjebi Community Trust Fund.—Notwithstanding any other provision of law, the Secretary of the Treasury shall establish on the books of the Treasury of the United States a fund having the status specified in Article V of the subsidiary agreement for the implementation of Section 177 of the Compact, to be known as the "Enjebi Community Trust Fund" (thereafter in this subsection referred to as the "Fund"), and shall credit to the Fund the amount of $7,500,000. Such amount, which shall be ex gratia, shall be in addition to and not charged against any other funds provided for in the Compact and its subsidiary agreements, this joint resolution, or any other Act. Upon receipt by the President of the United States of the agreement described in this subsection, the Secretary of the Treasury, upon request of the Government of the Marshall Islands, shall transfer the Fund to the Government of the Marshall Islands, provided that the Government of the Marshall Islands agrees as follows:

Ante, p. 1781.

(1) Enjebi Trust Agreement.—The Government of the Marshall Islands and the Enewetak Local Government Council, in consultation with the people of Enjebi, shall provide for the creation of the Enjebi Community Trust Fund and the employment of the manager of the Enewetak Fund established pursuant to the Section 177 Agreement as trustee and manager of the Enjebi Community Trust Fund, or, should the manager of the Enewetak Fund not be acceptable to the people of Enjebi, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of 250 million dollars.

(2) Monitor conditions.—Upon the request of the Government of the Marshall Islands, the United States shall monitor the radiation and other conditions on Enjebi and within one year of receiving such a request shall report to the Government of the Marshall Islands when the people of Enjebi may resettle Enjebi under circumstances where the radioactive contamination at Enjebi, including contamination derived from consumption of locally grown food products, can be reduced or otherwise controlled to meet whole body Federal radiation protection standards for the general population, including mean annual dose and mean 30-year cumulative dose standards.

(3) Resettlement of Enjebi.—In the event that the United States determines that the people of Enjebi can within 25 years of the date of the enactment of this joint resolution resettle Enjebi under the conditions set forth in paragraph (2) of this subsection, then upon such determination there shall be available to the people of Enjebi from the Fund such amounts as are necessary for the people of Enjebi to do the following, in accordance with a plan developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government's overall economic development plan:

(A) Establish a community on Enjebi Island for the use of the people of Enjebi.

(B) Replant Enjebi with appropriate food-bearing and other vegetation.

(4) Resettlement of other location.—In the event that the United States determines that within 25 years of the date of the enactment of this joint resolution the people of Enjebi cannot resettle Enjebi without exceeding the radiation standards set forth in paragraph (2) of this subsection, then the fund manager shall be directed by the trust instrument to distribute the Fund to the people of Enjebi for their resettlement at some other location in accordance with a plan, developed by the Enewetak Local Government Council and the people of Enjebi and con-

curred with by the Government of the Marshall Islands, to assure consistency with the government's overall economic development plan.

(5) Interest from fund.—Prior to and during the distribution of the corpus of the Fund pursuant to paragraphs (3) and (4) of this subsection, the people of Enjebi may, if they so request, receive the interest earned by the Fund on no less frequent a basis than quarterly.

(6) Disclaimer of liability.—Neither under the laws of the Marshall Islands nor under the laws of the United States, shall the Government of the United States be liable for any loss or damage to person or property in respect to the resettlement of Enjebi by the people of Enjebi, pursuant to the provision of this subsection or otherwise.

(l) Bikini Atoll Cleanup.—

(1) Declaration of policy.—The Congress hereby determines and declares that it is the policy of the United States, to be supported by the full faith and credit of the United States, that because the United States, through its nuclear testing and other activities, rendered Bikini Atoll unsafe for habitation by the people of Bikini, the United States will fulfill its responsibility for restoring Bikini Atoll to habitability, as set forth in paragraphs (2) and (3) of this subsection.

(2) Cleanup funds.—There are hereby authorized to be appropriated such sums as are necessary to implement the settlement agreement of March 15, 1985, in The People of Bikini, et al. against United States of America, et al., Civ. No. 84-0425 (D. Ha.).

(3) Conditions of funding.—The funds referred to in paragraph (2) shall be made available pursuant to Article VI, Section 1 of the Compact Section 177 Agreement upon completion of the events set forth in the settlement agreement referred to in paragraph (2) of this subsection.

Ante, p. 1781.

(m) Agreement on Audits.—In accordance with section 233 of the Compact, the President of the United States, in consultation with the Comptroller General of the United States, shall negotiate with the Government of the Marshall Islands an agreement which shall provide as follows:

Post, p. 1819

(1) General authority of the GAO to audit.—

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Marshall Islands under Articles I and II of Title Two of the Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Marshall Islands.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 233 of the Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) GAO access to records.—

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Marshall Islands.

(3) Representative status for GAO representatives.—The Comptroller General and his duly authorized representatives shall be accorded the status set forth in Article V of Title One of the Compact.

(4) Annual financial statements.—As part of the annual report submitted by the Government of the Marshall Islands under section 211 of the Compact, the Government shall include annual financial statements which account for the use of all of the funds provided by the Government of the United States to the Government under the Compact or otherwise. Such financial statements shall be prepared in accordance with generally accepted accounting procedures, except as may otherwise be mutually agreed. Not later than 180 days after the end of the United States fiscal year with respect to which such funds were provided, each such statement shall be submitted to the President for audit and transmission to the Congress.

Post, p. 1813.

(5) Definition of audits.—As used in this subsection, the term "audits" includes financial, program, and management audits, including determining—

(A) whether the Government of the Marshall Islands has met the requirements set forth in the Compact, or any related agreement entered into under the Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Marshall Islands pursuant to such grants or assistance.

(6) Cooperation by Marshall Islands.—The Government of the Marshall Islands will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

48 USC 1681 note

SEC. 104. INTERPRETATION OF AND UNITED STATES POLICY REGARDING COMPACT OF FREE ASSOCIATION.

Report

(a) HUMAN RIGHTS.—In approving the Compact, the Congress notes the conclusion in the Statement of Intent of the Report of The Future Political Status Commission of the Congress of Micronesia in July, 1969, that "our recommendation of a free associated state is indissolubly linked to our desire for such a democratic, representative, constitutional government" and notes that such desire and intention are reaffirmed and embodied in the Constitutions of the Federated States of Micronesia and the Marshall Islands. The Congress also notes and specifically endorses the preamble to the Compact, which affirms that the governments of the parties to the Compact are founded upon respect for human rights and fundamental freedoms for all. The Secretary of State shall include in the annual reports on the status of internationally recognized human rights in foreign countries, which are submitted to the Congress pursuant to sections 116 and 502B of the Foreign Assistance Act of 1961, a full and complete report regarding the status of internationally recognized human rights in the Federated States of Micronesia and the Marshall Islands.

22 USC 2151n, 2304

(b) IMMIGRATION.—The rights of a bona fide naturalized citizen of the Marshall Islands or the Federated States of Micronesia to enter the United States, to lawfully engage therein in occupations, and to establish residence therein as a non-immigrant, pursuant to the provisions of section 141(a)(3) of the Compact, shall not extend to any such naturalized citizen with respect to whom circumstances associated with the acquisition of the status of a naturalized citizen are such as to allow a reasonable inference, on the part of appropriate officials of the United States and subject to United States procedural requirements, that such naturalized status was acquired primarily in order to obtain such rights.

Post, p. 1804

(c) NONALIENATION OF LANDS.—The Congress endorses and encourages the maintenance of the policies of the Government of the Federated States of Micronesia and the Government of the Marshall Islands to regulate, in accordance with their Constitutions and laws, the alienation of permanent and long-term interests in real property so as to restrict the acquisition of such interests to persons of Federated States of Micronesia citizenship and Marshall Islands citizenship, respectively.

(d) NUCLEAR WASTE DISPOSAL.—In approving the Compact, the Congress understands that the Government of the Federated States of Micronesia and the Government of the Marshall Islands will not permit any other government or any nongovernmental party to conduct, in the Marshall Islands or in the Federated States of Micronesia, any of the activities specified in subsection (a) of section 314 of the Compact.

Post, p. 1821

(e) IMPACT OF COMPACT ON U.S. AREAS.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—In approving the Compact, it is not the intent of the Congress to cause any adverse consequences for the United States territories and commonwealths or the State of Hawaii.

(2) ANNUAL REPORTS AND RECOMMENDATIONS.—One year after the date of enactment of this joint resolution and at one year intervals thereafter, the President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii. Reports submitted pursuant to this paragraph (hereafter in this subsection referred to as "reports") shall identify any adverse consequences resulting from the Compact and shall make recommendations for corrective action to eliminate those consequences. The reports shall pay particular attention to matters relating to trade, taxation, immigration, labor laws, minimum wages, social systems and infrastructure, and environmental regulation. With regard to immigration, the reports shall include statistics concerning the number of persons availing themselves of the rights described in section 141(a) of the Compact during the year covered by each report. With regard to trade, the reports shall include an analysis of the impact on the economy of American Samoa resulting from imports of canned tuna into the United States from the Federated States of Micronesia and the Marshall Islands.

President of U.S.

Imports.
Tuna fish.
Post, p. 1804

(3) OTHER VIEWS.—In preparing the reports, the President shall request the views of the Government of the State of Hawaii, and the governments of each of the United States territories and commonwealths, the Federated States of Micronesia, the Marshall Islands, and Palau, and shall transmit the full text of any such views to the Congress as part of such reports.

President of U.S.
Report.

(4) COMMITMENT OF CONGRESS TO REDRESS ADVERSE CONSEQUENCES.—The Congress hereby declares that, if any adverse consequences to United States territories and commonwealths or the State of Hawaii result from implementation of the Compact of Free Association, the Congress will act sympathetically and expeditiously to redress those adverse consequences.

(5) DEFINITION OF U.S. TERRITORIES AND COMMONWEALTHS.—As used in this subsection, the term "United States territories and commonwealths" means the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) IMPACT COSTS.—There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, such sums as may be necessary to cover the costs, if any, incurred by the State of Hawaii, the territories of Guam and American Samoa, and the Commonwealth of the Northern Mariana Islands resulting from any increased demands placed on educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia.

(f) FISHERIES MANAGEMENT.—In clarification of Title One, Article II, section 121(b)(1) of the Compact:

Post, p. 1801

(1) Nothing in the Compact or this joint resolution shall be interpreted as recognition by the United States of any claim by the Federated States of Micronesia or by the Marshall Islands to jurisdiction or authority over highly migratory species of fish during the time such species of fish are found outside the territorial sea of the Federated States of Micronesia or the Marshall Islands.

Vessels.

(2) It is the understanding of Congress that none of the monies made available pursuant to the Compact or this joint resolution will be used by either the Federated States of Micronesia or the Marshall Islands for enforcement actions against any vessel of the United States on the basis of fishing by any such vessel for highly migratory species of fish outside the territorial sea of the

Federated States of Micronesia or the Marshall Islands, respectively, in the absence of a licensing agreement.

(3) Appropriate United States officials shall apply the policies and provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) with regard to any action taken by the Federated States of Micronesia or the Marshall Islands affecting any vessel of the United States engaged in fishing for highly migratory species of fish in waters outside the territorial seas of the Federated States of Micronesia or the Marshall Islands, respectively. For the purpose of applying the provisions of section 5 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975), monies made available to either the Federated States of Micronesia or the Marshall Islands pursuant to the provisions of the Compact or this joint resolution shall be treated as "assistance to the government of such country under the Foreign Assistance Act of 1961". For purposes of this Act only, certification by the President in accordance with such section 5 shall be accompanied by a report to Congress on the basis for such certification, and such certification shall have no effect if by law Congress so directs prior to the expiration of 60 days during which Congress is in continuous session following the date of such certification. 22 USC 2151 note

(4) For the purpose of paragraphs (1) and (3) of this subsection—

(A) The term "vessel of the United States" has the same meaning as provided in the first section of the Fishermen's Protective Act of 1967 (22 U.S.C. 1971).

(B) The terms "fishing" and "highly migratory species" have the same meanings as provided in paragraphs (10) and (14), respectively, of section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(10) and (14)).

(5)(A) It is the policy of the United States of America—

(i) to negotiate and conclude with the governments of the Central, Western, and South Pacific Ocean, including the Federated States of Micronesia and the Marshall Islands, a regional licensing agreement setting forth agreed terms of access for United States tuna vessels fishing in the region; and

(ii) that such an agreement should overcome existing jurisdictional differences and provide for a mutually beneficial relationship between the United States and the Pacific Island States that will promote the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean and the economic development of the region.

(B) At such time as an agreement referred to in subparagraph (A) is submitted to the Senate for advice and consent to ratification, the Secretary of State, after consultation with the Secretary of Commerce and other interested agencies and concerned governments, shall submit to the Congress a proposed long term regional fisheries development program which may include, but not be limited to—

(i) exploration for, and stock assessment of, tuna and other fish;

(ii) improvement of harvesting techniques;

(iii) gear development;

(iv) biological resource monitoring;

(v) education and training in the field of fisheries; and

(vi) regional and direct bilateral assistance in the field of fisheries.

(g) Foreign Loans.—The Congress hereby reaffirms the United States position that the United States Government is not responsible for foreign loans or debt obtained by the Governments of the Federated States of Micronesia and the Marshall Islands.

SEC. 105. SUPPLEMENTAL PROVISIONS. 48 USC 1681 note

(a) Domestic Program Requirements.—Except as may otherwise be provided in this joint resolution, all United States Federal programs and services extended to or operated in the Federated States of Micronesia or the Marshall Islands are and shall remain subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs when operating in the United States (including its territories and commonwealths).

(b) Relations With the Federated States of Micronesia and the Marshall Islands.—

(1) The United States representatives to the Federated States of Micronesia and the Republic of the Marshall Islands pursuant to Article V of title I of the Compact shall be appointed by the President with the advice and consent of the Senate, and shall be under the supervision of the Secretary of State, who shall have responsibility for government to government relations between the United States and the Government with respect to whom they are appointed, consistent with the authority of the Secretary of the Interior as set forth in this section.

(2) Appropriations made pursuant to the Compact or any other provision of this joint resolution may be made only to the Secretary of the Interior, who shall coordinate and monitor any program or activity provided to the Federated States of Micronesia or the Republic of the Marshall Islands by departments and agencies of the Government of the United States and related economic development planning pursuant to the Compact or pursuant to any other authorization except for the provisions of sections 161(e), 313, and 351 of the Compact and the authorization of the President to agree to an effective date pursuant to this resolution. Funds appropriated to the Secretary of the Interior pursuant to this paragraph shall not be allocated to other Departments or agencies. *Post*, pp. 1807, 1822, 1825.

(3) All programs and services provided to the Federated States of Micronesia and the Republic of the Marshall Islands by Federal agencies may be provided only after consultation with and under the supervision of the Secretary of the Interior, and the head of each Federal agency is directed to cooperate with the Secretary of the Interior and to make such personnel and services available as the Secretary of the Interior may request.

(4) Any United States Government personnel assigned, on a temporary or permanent basis, to either the Federated States of Micronesia or the Marshall Islands shall, during the period of such assignment, be subject to the supervision of the United States representative to that area.

(5) The President is hereby authorized to appoint an Interagency Group on Freely Associated States' Affairs to provide President of U.S.

(but not limited to) the suspension in whole or in part of the obligations of the Government of the United States to that Government.

(h) Continuing Programs and Laws.—

(1) Federated States of Micronesia and Marshall Islands.—In addition to the programs and services set forth in section 221 of the Compact, and pursuant to section 224 of the Compact, the programs and services of the following agencies shall be made available to the Federated States of Micronesia and to the Marshall Islands:

Post, p. 1816.
Post, p. 1817.

(A) the Legal Services Corporation;

(B) the Public Health Service; and

(C) the Farmers Home Administration (in the Marshall Islands and each of the four States of the Federated States of Micronesia: *Provided*, that in lieu of continuation of the program in the Federated States of Micronesia, the President may agree to transfer to the Government of the Federated States of Micronesia without cost, the portfolio of the Farmers Home Loan Administration applicable to the Federated States of Micronesia and provide such technical assistance in management of the portfolio as may be requested by the Federated States of Micronesia).

(2) Palau.—Upon the effective date of the Compact, the laws of the United States generally applicable to the Trust Territory of the Pacific Islands shall continue to apply to the Republic of Palau and the Republic of Palau shall be eligible for such proportion of Federal assistance as it would otherwise have been eligible to receive under such laws prior to the effective date of the Compact, as provided in appropriation Acts or other Acts of Congress.

(3) Section 219 determination.—The determination by the Government of the United States under section 219 of the Compact shall be as provided in appropriation Acts.

Post, p. 1816.

(4) Tort claims.—(A) At such time as the Trusteeship Agreement ceases to apply to either the Federated States of Micronesia or the Marshall Islands, the provisions of Section 178 of the Compact regarding settlement and payment of tort claims shall apply to employees of any federal agency of the Government of the United States which provides any service or carries out any other function pursuant to or in furtherance of any provisions of the Compact or this Act, except for provisions of Title Three of the Compact and of the subsidiary agreements related to such Title, in such area to which such Agreement formerly applied. For purposes of this subparagraph (B), persons providing such service or carrying out such function pursuant to a contract with a federal agency shall be deemed to be an employee of the contracting federal agency.

Post, p. 1813.

(B) For purposes of the Federal Tort Claims Act (28 U.S.C. 2671 et seq.), persons providing services to the people of the atolls of Bikini, Enewetak, Rongelap, and Utrik as described in Public Law 95-134 and Public Law 96-205 pursuant to a contract with a Department or agency of the federal government shall be deemed to be an employee of the contracting Department or agency working in the United States. This subparagraph (B) shall expire when the Trusteeship Agreement is terminated with respect to the Marshall Islands.

91 Stat. 1159; 94 Stat. 84.

(i) College of Micronesia; Education Programs.—

(1) College of Micronesia.—Notwithstanding any other provision of law, all funds which as of the date of the enactment of this joint resolution were appropriated for the use of the College of Micronesia System shall remain available for use by such college until expended. Until otherwise provided by Act of Congress, or until termination of the Compact, such college shall retain its status as a land-grant institution and its eligibility for all benefits and programs available to such land-grant institutions.

(2) Federal education programs.—Pursuant to section 224 of the Compact and upon the request of the affected Government, any Federal program providing financial assistance for education which, as of January 1, 1985, was providing financial assistance for education to the Federated States of Micronesia or the Marshall Islands or to any institution, agency, organization, or permanent resident thereof, including the College of Micronesia System, shall continue to provide such assistance to such institutions, agencies, organizations, and residents as follows:

Post, p. 1817.

(A) For the fiscal year in which the Compact becomes effective, not to exceed $13,000,000;

(B) For the fiscal year beginning after the end of the fiscal year in which the Compact becomes effective, not to exceed $8,700,000; and

(C) For the fiscal year immediately following the fiscal year described in subparagraph (B), not to exceed $4,300,000.

(3) Authorization of appropriations.—There are hereby authorized to be appropriated such sums as are necessary for purposes of this subsection.

(j) Trust Territory Debts to U.S. Federal Agencies.—Neither the Government of the Federated States of Micronesia nor the Government of the Marshall Islands shall be required to pay to any department, agency, independent agency, office, or instrumentality of the United States any amounts owed to such department, agency, independent agency, office, or instrumentality by the Government of the Trust Territory of the Pacific Islands as of the effective date of the Compact. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

(k) Use of DOD Medical Facilities.—Following approval of the Compact, the Secretary of Defense shall make available the medical facilities of the Department of Defense for use by citizens of the Federated States of Micronesia and the Marshall Islands who are properly referred to such facilities by government authorities responsible for provision of medical services in the Federated States of Micronesia and the Marshall Islands. The Secretary of Defense is hereby authorized to cooperate with such authorities in order to permit use of such medical facilities for persons properly referred by such authorities. The Secretary of Health and Human Services is hereby authorized and directed to continue to make the services of the National Health Service Corps available to the residents of the Federated States of Micronesia and the Marshall Islands to the same extent and for so long as such services are authorized to be provided to persons residing in any other areas within or outside the United States.

Health and medical care.

(l) Technical Assistance.—Technical assistance may be provided pursuant to section 226 of the Compact by Federal agencies and

Post, p. 1818.

institutions of the Government of the United States to the extent such assistance may be provided to States, territories, or units of local government. Such assistance by the Forest Service, the Soil Conservation Service, the Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, and the Advisory Council on Historic Preservation, the Department of the Interior, and other agencies providing assistance under the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t), shall be on a nonreimbursable basis. During the period the Compact is in effect, the grant programs under the National Historic Preservation Act shall continue to apply to the Federated States of Micronesia and the Marshall Islands in the same manner and to the same extent as prior to the approval of the Compact. Funds provided pursuant to sections 102(a), 103(a), 103(c), 103(h), 103(i), 103(j), 103(l), 105(c), 105(i), 105(j), 105(k), 105(l), 105(m), 105(n), and 105(o) of this joint resolution shall be in addition to and not charged against any amounts to be paid to either the Federated States of Micronesia or the Marshall Islands pursuant to the Compact or the subsidiary agreements.

Grants.

Ante, pp. 1775, 1778, 1791.

(m) Prior Service Benefits Program.—Notwithstanding any other provision of law, persons who on January 1, 1985, were eligible to receive payment under the Prior Service Benefits Program established within the Social Security System of the Trust Territory of the Pacific Islands because of their services performed for the United States Navy or the Government of the Trust Territory of the Pacific Islands prior to July 1, 1968, shall continue to receive such payments on and after the effective date of the Compact.

(n) Indefinite Land Use Payments.—There are authorized to be appropriated such sums as may be necessary to complete repayment by the United States of any debts owed for the use of various lands in the Federated States of Micronesia and the Marshall Islands prior to January 1, 1985.

Grants.

(o) Communicable Disease Control Program.—There are authorized to be appropriated for grants to the Government of the Federated States of Micronesia such sums as may be necessary for purposes of establishing or continuing programs for the control and prevention of communicable diseases, including (but not limited to) cholera and Hansen's Disease. The Secretary of the Interior shall assist the Government of the Federated States of Micronesia in designing and implementing such a program.

Post, p. 1819.

(p) Trust Funds.—The responsibilities of the United States with regard to implementation of section 235 of the Compact shall be discharged by the Secretary of the Interior, who shall consult with the Government of the Marshall Islands and the designated beneficiaries of the funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands.

President of U.S.
Report.

Post, p. 1822.

(q) Annual Reports on Determinations Under Compact Section 313.—The President shall report annually to the Congress on determinations made by the United States in the exercise of its authority under section 313 of the Compact. Each such report shall describe the following, on a classified basis if necessary:

(1) The actions that the Government of the Federated States of Micronesia or the Government of the Marshall Islands were required to refrain from pursuant to the determinations of the United States.

(2) The justification for each determination by the United States, and the position of the other Government concerned with respect to such determination.

(3) The effect of the determination on the authority and responsibility of the other government to conduct foreign affairs in accordance with section 121 of the Compact.

Post, p. 1801.

(4) Any domestic effect in the Federated States of Micronesia or the Marshall Islands resulting from the determination, including any restriction on the civil and political rights of the citizens thereof.

(r) User Fees.—Any person in the Federated States of Micronesia or the Marshall Islands shall be liable for user fees, if any, for services provided in the Federated States of Micronesia or the Marshall Islands by the Government of the United States to the same extent as any person in the United States would be liable for fees, if any, for such services in the United States.

SEC. 106. CONSTRUCTION CONTRACT ASSISTANCE.

48 USC 1681 note.
President of U.S.

(a) Assistance to U.S. Firms.—In order to assist the Governments of the Federated States of Micronesia and of the Marshall Islands through private sector firms which may be awarded contracts for construction or major repair of capital infrastructure within the Federated States of Micronesia or the Republic of the Marshall Islands, the President shall consult with the Governments of the Federated States of Micronesia and the Marshall Islands with respect to any such contracts, and the President shall enter into agreements with such firms whereby such firms will, consistent with applicable requirements of such Governments—

(1) to the maximum extent possible, employ citizens of the Federated States of Micronesia and the Marshall Islands;

(2) to the extent that necessary skills are not possessed by citizens of the Federated States of Micronesia and the Marshall Islands, provide on the job training, with particular emphasis on the development of skills relating to operation of machinery and routine and preventative maintenance of machinery and other facilities; and

(3) provide specific training or other assistance in order to enable the Government to engage in long-term maintenance of infrastructure.

Assistance by such firms pursuant to this section may not exceed 20 percent of the amount of the contract and shall be made available only to such firms which meet the definition of United States firm under the nationality rule for suppliers of services of the Agency for International Development (hereafter in this section referred to as "United States firms"). There are authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

(b) Authorization.—There are authorized to be appropriated such sums as may be necessary to cover any additional costs incurred by the Government of the Federated States of Micronesia or the Republic of the Marshall Islands if such Governments, pursuant to an agreement entered into with the United States, apply a preference on the award of contracts to United States firms, provided that the amount of such preference does not exceed 10 percent of the amount of the lowest qualified bid from a non-United States firm for such contract.

SEC. 107. LIMITATIONS.

48 USC 1681 note.
18 USC 201 et seq.

(a) Prohibition.—The provisions of Chapter 11 of title 18, United States Code, shall apply in full to any individual who has served as the President's Personal Representative for Micronesian Status

Negotiations or who is or was an officer or employee of the Office for Micronesian Status Negotiations or who is or was assigned or detailed to that Office or who served on the Micronesia Interagency Group, except that for the purposes of this section, clauses (i) and (ii) of section 207(b) of such title shall read as follows: "(i) having been so employed, within three years after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to, or (ii) having been so employed and as specified in subsection (d) of this section, within three years after his employment has ceased, knowingly represents or aids, counsels, advises, consults, or assists in representing any other person (except the United States) by personal presence at any formal or informal appearance before—".

18 USC 207.

(b) TERMINATION.—Effective upon the date of the termination of the Trust Territory of the Pacific Islands with respect to Palau, the Office for Micronesian Status Negotiations is abolished and no department, agency, or instrumentality of the United States shall thereafter contribute funds for the support of such Office.

48 USC 1681 note.

SEC. 108. TRANSITIONAL IMMIGRATION RULES.

48 USC 1681 note.

(a) CITIZEN OF NORTHERN MARIANA ISLANDS.—Any person who is a citizen of the Northern Mariana Islands, as that term is defined in section 24(b) of the Act of December 8, 1983 (97 Stat. 1465), is considered a citizen of the United States for purposes of entry into, permanent residence, and employment in the United States and its territories and possessions.

(b) TERMINATION.—The provisions of this section shall cease to be effective when section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States (Public Law 94-241) becomes effective pursuant to section 1003(c) of the Covenant.

90 Stat. 263.

48 USC 1681 note.
Prohibitions.

SEC. 109. TIMING.

No payment may be made pursuant to the Compact nor under any provision of this joint resolution prior to October 1, 1985.

48 USC 1681 note.
President of U.S.

SEC. 110. IMPLEMENTATION OF AUDIT AGREEMENTS.

(a) TRANSMISSION OF ANNUAL FINANCIAL STATEMENT.—Upon receipt of the annual financial statement described in sections 102(c)(4) and 103(m)(4), the President shall promptly transmit a copy of such statement to the Congress.

Ante, pp. 1775, 1778.

(b) ANNUAL AUDITS BY THE PRESIDENT.—(1) The President shall cause an annual audit to be conducted of the annual financial statements described in sections 102(c)(4) and 103(m)(4). Such audit shall be conducted in accordance with the Generally Accepted Government Auditing Standards promulgated by the Comptroller General of the United States. Such audit shall be submitted to the Congress not later than 180 days after the end of the United States fiscal year.

(2) The President shall develop and implement procedures to carry out such audits. Such procedures shall include the matters described in sections 102(c)(2) and 103(m)(2) of this title.

(c) AUTHORITY OF GAO.—The Comptroller General of the United States shall have the authority to conduct the audits referred to in sections 102(c)(1) and 103(m)(1) of this title.

Post, pp. 1775, 1778
48 USC 1681 note.

SEC. 111. COMPENSATORY ADJUSTMENTS.

(a) ADDITIONAL PROGRAMS AND SERVICES.—In addition to the programs and services set forth in Section 221 of the Compact, and pursuant to Section 224 of the Compact, the services and programs of the following U.S. agencies shall be made available to the Federated States of Micronesia and the Marshall Islands: The Federal Deposit Insurance Corporation, Small Business Administration, Economic Development Administration, the Rural Electrification Administration, Job Partnership Training Act, Job Corps, and the programs and services of the Department of Commerce relating to tourism and to marine resource development.

Post, p. 1816.
Post, p. 1817.
29 USC 1501 note.

(b)(1) INVESTMENT DEVELOPMENT FUNDS.—In order to further close economic and commercial relations between the United States and the Federated States of Micronesia and the Marshall Islands, and in order to encourage the presence of the United States private sector in such areas, there are hereby created two Investment Development Funds, to be established and administered by the Federated States of Micronesia and the Marshall Islands respectively in consultation with the United States as follows:

(i) For the Investment Development Fund for the Federated States of Micronesia there is hereby authorized to be appropriated for fiscal 1986, $20 million, backed by the full faith and credit of the United States, of which $12 million shall be made available for obligation for the first full fiscal year after the effective date of the Compact, and of which $8 million shall be made available for obligation for the third full fiscal year after the effective date of the Compact.

(ii) For the Investment Development Fund for the Marshall Islands there is hereby authorized to be appropriated $10 million for fiscal 1986, backed by the full faith and credit of the United States, of which $6 million for the first full fiscal year after the effective date of the Compact, and of which $4 million shall be made available for obligation for the third full fiscal year after the effective date of the Compact.

(2) The amounts specified in subsection (b) of this section shall be in addition to the sums and amounts specified in Articles I and III of Title Two of the Compact, and shall be deemed to be included in the sums and amounts referred to in section 236 of the Compact.

Post, p. 1819.
President of U.S.

(c) BOARD OF ADVISORS.—To provide policy guidance for the Funds established by subsection (b) of this section, the President is hereby authorized to establish a Board of Advisors, pursuant to appropriate agreements between the United States and the Federated States of Micronesia and the Marshall Islands.

Report.

(d) FURTHER AMOUNTS.—The governments of the Federated States of Micronesia and the Marshall Islands may submit to Congress reports concerning the overall financial and economic impacts on such areas resulting from the effect of Title IV of this joint resolution upon Title Two of the Compact. There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, such amounts as may be necessary, but not to exceed $40 million for the Federated States of Micronesia and $20 million for the Marshall Islands, as provided in appropriation acts, to further compensate the governments of such islands (in addition to the compensation provided in subsections (a) and (b) of this section) for adverse impacts, if any, on the finances and economies of such areas resulting from the effect of Title IV of this joint resolution upon Title Two of the Compact. At the end of the initial fifteen-year term of the Compact, should any portion of the total amount of funds authorized in this subsection not have been appropriated, such amount not yet appropriated may be appropriated, without regard to divisions between amounts authorized in this subsection for the Federated States of Micronesia and for the Marshall Islands, based on either or both such government's showing of such adverse impact, if any, as provided in this subsection.

TITLE II—COMPACT OF FREE ASSOCIATION

48 USC 1681 note.

SEC. 201. COMPACT OF FREE ASSOCIATION.

The Compact of Free Association is as follows:

COMPACT OF FREE ASSOCIATION

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENTS OF THE MARSHALL ISLANDS AND THE FEDERATED STATES OF MICRONESIA

Human rights.

Affirming that their Governments and their relationships as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the peoples of the Trust Territory of the Pacific Islands have the right to enjoy self-government; and

Affirming the common interests of the United States of America and the peoples of the Trust Territory of the Pacific Islands in creating close and mutually beneficial relationships through two free and voluntary associations of their respective Governments, and

Affirming the interest of the Government of the United States in promoting the economic advancement and self-sufficiency of the peoples of the Trust Territory of the Pacific Islands; and

59 Stat. 1031.

Recognizing that their previous relationship has been based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the peoples of the Trust Territory have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they have, through their freely-expressed wishes, adopted Constitutions appropriate to their particular circumstances; and

Recognizing their common desire to terminate the Trusteeship and establish two new government-to-government relationships each of which is in accordance with a new political status based on the freely-expressed wishes of peoples of the Trust Territory of the Pacific Islands and appropriate to their particular circumstances; and

Recognizing that the peoples of the Trust Territory of the Pacific Islands have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitutions and forms of government and that the approval of the entry of their respective Governments into this

Compact of Free Association by the peoples of the Trust Territory of the Pacific Islands constitutes an exercise of their sovereign right to self-determination;

NOW, THEREFORE, AGREE to enter into relationships of free association which provide a full measure of self-government for the peoples of the Marshall Islands and the Federated States of Micronesia; and

FURTHER AGREE that the relationships of free association derive from and are as set forth in this Compact; and that, during such relationships of free association, the respective rights and responsibilities of the Government of the United States and the Governments of the freely associated states of the Marshall Islands and the Federated States of Micronesia in regard to these relationships of free association derive from and are as set forth in this Compact.

TITLE ONE

GOVERNMENTAL RELATIONS

Article I

Self-Government

Section 111

The peoples of the Marshall Islands and the Federated States of Micronesia, acting through the Governments established under their respective Constitutions, are self-governing.

Article II

Foreign Affairs

Section 121

(a) The Governments of the Marshall Islands and the Federated States of Micronesia have the capacity to conduct foreign affairs and shall do so in their own name and right, except as otherwise provided in this Compact.

(b) The foreign affairs capacity of the Governments of the Marshall Islands and the Federated States of Micronesia includes:

(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the sea, seabed or subsoil to the full extent recognized under international law;

(2) the conduct of their commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting their individual citizens.

International agreements.

(c) The Government of the United States recognizes that the Governments of the Marshall Islands and the Federated States of Micronesia have the capacity to enter into, in their own name and right, treaties and other international agreements with governments and regional and international organizations.

Article V

Representation

Section 151

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia may establish and maintain representative offices in the capital of the other for the purpose of maintaining close and regular consultations on matters arising in the course of the relationship of free association and conducting other government business. The Governments may establish and maintain additional offices on terms and in locations as may be mutually agreed.

Section 152

(a) The premises of such representative offices, and their archives wherever located, shall be inviolable. The property and assets of such representative offices shall be immune from search, requisition, attachment and any form of seizure unless such immunity is expressly waived. Official communications in transit shall be inviolable and accorded the freedom and protections accorded by recognized principles of international law to official communications of a diplomatic mission.

(b) Persons designated by the sending Government may serve in the capacity of its resident representatives with the consent of the receiving Government. Such designated persons shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions as such representatives, except insofar as such immunity may be expressly waived by the sending Government. While serving in a resident representative capacity, such designated persons shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents.

(c) The sending Governments and their respective assets, income and other property shall be exempt from all direct taxes, except those direct taxes representing payment for specific goods and services, and shall be exempt from all customs duties and restrictions on the import or export of articles required for the official functions and personal use of their representatives and representative offices.

(d) Persons designated by the sending Government to serve in the capacity of its resident representatives shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations.

(e) The privileges, exemptions and immunities accorded under this Section are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government to which they are assigned.

Section 153

(a) Any citizen or national of the United States who, after consultation between the designating Government and the Government of the United States, is designated by the Government of the Marshall Islands or the Federated States of Micronesia as its agent, shall enjoy exemption from the requirements of the laws of the United States relating to the registration of foreign agents. The Government of the United States shall promptly comply with a request for consultation made by the prospective designating Government. During the course of the consultation, the Government of the United States may, in its discretion, and subject to the provisions of the Privacy Act, 5 U.S.C. 552a, transmit such information concerning the prospective designee as may be available to it to the prospective designating Government.

(b) Any citizen or national of the United States may be employed by the Government of the Marshall Islands or the Federated States of Micronesia to represent to foreign governments, officers or agents thereof the positions of the Government of the Marshall Islands or the Federated States of Micronesia, without regard to the provisions of 18 U.S.C. 953.

Article VI

Environmental Protection

Section 161

The Governments of the United States, the Marshall Islands and the Federated States of Micronesia declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Marshall Islands and the Federated States of Micronesia. In order to carry out this policy, the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree to the following mutual and reciprocal undertakings.

(a) The Government of the United States:

(1) shall continue to apply the environmental controls in effect on the day preceding the effective date of this Compact to those of its continuing activities subject to Section 161(a)(2), unless and until those controls are modified under Sections 161(a)(3) and 161(a)(4);

(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact and its related agreements as if the Marshall Islands and the Federated States of Micronesia were the United States;

(3) shall comply also, in the conduct of any activity requiring the preparation of an Environmental Impact Statement under Section 161(a)(2), with standards substantively similar to those required by the following laws of the United States, taking into account the particular environments of the Marshall Islands and the Federated States of Micronesia: the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531 et seq.; The Clean Air Act, 77 Stat. 392, 42 U.S.C. Supp. 7401 et seq.; the Clean Water Act (Federal Water Pollution Control Act), 86 Stat. 896, 33 U.S.C. 1251 et seq., the Ocean Dumping Act (Title I of the Marine Protection, Research and Sanctuaries Act of 1972), 86 Stat. 1053, 33 U.S.C. 1411 et seq.; the Toxic Substances Control Act, 90 Stat. 2003, 15 U.S.C. 2601 et seq.; the Resources Conservation and Recovery Act of 1976, 90 Stat. 2796, 42 U.S.C. 6901

et seq.; and such other environmental protection laws of the United States as may be mutually agreed from time to time with the Government of the Marshall Islands or the Federated States of Micronesia; and

Ante, p. 1807.

(4) shall develop, prior to conducting any activity requiring the preparation of an Environmental Impact Statement under Section 161(a)(2), appropriate mechanisms, including regulations or other judicially reviewable standards and procedures, to regulate its activities governed by Section 161(a)(3) in the Marshall Islands and the Federated States of Micronesia in a manner appropriate to the special governmental relationship set forth in this Compact. The agencies of the Government of the United States designated by law to administer the laws set forth in Section 161(a)(3) shall participate as appropriate in the development of any regulation, standard or procedure under this Section, and the Government of the United States shall provide the affected Government of the Marshall Islands or the Federated States of Micronesia with the opportunity to comment during such development.

(b) The Governments of the Marshall Islands and the Federated States of Micronesia shall develop standards and procedures to protect their environments. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Governments of the Marshall Islands and the Federated States of Micronesia, taking into account their particular environments, shall develop standards for environmental protection substantively similar to those required of the Government of the United States by Section 161(a)(3) prior to their conducting activities in the Marshall Islands and the Federated States of Micronesia, respectively, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 161(a), including any standard or procedure applicable thereunder, and Section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia.

(d) In the event that an Environmental Impact Statement is no longer required under the laws of the United States for major federal actions significantly affecting the quality of the human environment, the regulatory regime established under Sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

President of U.S.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact and its related agreements from any environmental standard or procedure which may be applicable under Sections 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the affected Government of the Marshall Islands or the Federated States of Micronesia shall be sought and considered to the extent practicable.

Report.

If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the affected Government.

Ante, p. 1807.

(f) The laws of the United States referred to in Section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact and its related agreements only to the extent provided for in this Section.

Section 162

Courts, U.S.

Post, p. 1810.

The Government of the Marshall Islands or the Federated States of Micronesia may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to Sections 161(a), 161(d) or 161(e) or for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under Section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by Section 161, provided that:

(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this Section.

(b) Actions brought pursuant to this Section may be initiated only by the Government concerned.

(c) Administrative agency actions arising under Section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

Courts, U.S.

(d) The District Court shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the District Court shall be reviewable in the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

(e) The judicial remedy provided for in this Section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under Section 172(b) which relate to the activities of the Government of the United States and its officers and employees governed by Section 161.

(f) In actions pursuant to this Section, the Governments of the Marshall Islands and the Federated States of Micronesia shall be treated as if they were United States citizens.

Section 163

(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Governments of the Marshall Islands and the Federated States of Micronesia shall be granted access to facilities operated by the Government of the United States in the Marshall Islands and the Federated States of Micronesia, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

(b) The Government of the United States, in turn, shall be granted access to the Marshall Islands or the Federated States of Micronesia for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Marshall Islands or the Federated States of Micronesia under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the same extent similar access is provided those Governments under the Freedom of Information Act, 5 U.S.C. 552.

(c) The Governments of the Marshall Islands and the Federated States of Micronesia shall not impede efforts by the Government of the United States to comply with applicable standards and procedures.

Article VII

General Legal Provisions

Section 171

Except as provided in this Compact or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceases with respect to the Marshall Islands and the Federated States of Micronesia as of the effective date of this Compact.

Section 172

(a) Every citizen of the Marshall Islands or the Federated States of Micronesia who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

(b) The Governments of the Marshall Islands and the Federated States of Micronesia and every citizen of the Marshall Islands or the Federated States of Micronesia shall be considered a "person" within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706, except that only the Government of the Marshall Islands or the Federated States of Micronesia may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by Sections 161 and 162.

5 USC prec. 551
5 USC 552.

Ante, pp. 1807, 1809.

Section 173

The Governments of the United States, the Marshall Islands and the Federated States of Micronesia agree to adopt and enforce such measures, consistent with this Compact and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Marshall Islands and the Federated States of Micronesia pursuant to this Compact and its related agreements and by those Governments in the United States pursuant to this Compact and its related agreements.

Section 174

Except as otherwise provided in this Compact and its related agreements:

Courts, U.S.

(a) The Governments of the Marshall Islands and the Federated States of Micronesia shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall be immune from the jurisdiction of the courts of the Marshall Islands and the Federated States of Micronesia.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the Trust Territory of the Pacific Islands or the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact;

Claims

(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the effective date of this Compact; and

Claims

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands, pending as of the effective date of this Compact, against the Government of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

Claims
Ante, p. 1810.

(c) Any claim not referred to in Section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact shall be adjudicated in the same manner as a claim adjudicated according to Section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in Section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor court, which shall have jurisdiction therefor, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

(d) The Governments of the Marshall Islands and the Federated States of Micronesia shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Marshall Islands and the Federated States of Micronesia in any case in which the action is based on a commercial activity of the defendant Government where the action is brought, or in a case in which damages are sought for personal injury or death or damage to or loss of property occurring where the action is brought.

Section 175

Law enforcement.

A separate agreement, which shall come into effect simultaneously with this Compact, shall be concluded between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia regarding mutual assistance and cooperation in law enforcement matters including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners. The separate agreement shall have the force of law. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188-3195, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-4115, shall be applicable to the transfer of prisoners under the separate agreement.

Section 176

The Governments of the Marshall Islands and the Federated States of Micronesia confirm that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Marshall Islands and the Federated States of Micronesia to grant relief from judgments in appropriate cases.

Section 177

(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia (or Palau) for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

Claims.

(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

Grants.

(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of $150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact.

Section 178

Claims.

(a) The federal agencies of the Government of the United States which provide the services and related programs in the Marshall Islands or the Federated States of Micronesia pursuant to Articles II and III of Title Two are authorized to settle and pay tort claims arising in the Marshall Islands or the Federated States of Micronesia from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in Section 178(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under Section 178(a) which cannot be settled under Section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall, in the separate agreements referred to in Section 232, provide for:

Post, p. 1818.

(1) the administrative settlement of claims referred to in Section 178(a), including designation of local agents in the Marshall Islands and each State of the Federated States of Micronesia; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in Section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to Section 178(a).

(d) The provisions of Section 174(d) shall not apply to claims covered by this Section.

Ante, p. 1810.

TITLE TWO

ECONOMIC RELATIONS

Article I

Grant Assistance

Section 211

(a) In order to assist the Governments of the Marshall Islands and the Federated States of Micronesia in their efforts to advance the economic self-sufficiency of their peoples and in recognition of the special relationship that exists between them and the United States, the Government of the United States shall provide on a grant basis the following amounts:

(1) to the Government of the Marshall Islands, $26.1 million annually for five years commencing on the effective date of this Compact, $22.1 million annually for five years commencing on the fifth anniversary of the effective date of this Compact, and $19.1 million annually for five years commencing on the tenth anniversary of this Compact. Over this fifteen-year period, the Government of the Marshall Islands shall dedicate an average of no less than 40 percent of these amounts to the capital account subject to provision for revision of this percentage incorporated into the plan referred to in Section 211(b); and

(2) to the Government of the Federated States of Micronesia, $60 million annually for five years commencing on the effective date of this Compact, $51 million annually for five years commencing on the fifth anniversary of the effective date of this

Ante, p. 1813.

Infra, post, pp. 1815, 1816.

Compact, and $40 million annually for five years commencing on the tenth anniversary of the effective date of this Compact. Over this fifteen year period, the Government of the Federated States of Micronesia shall dedicate an average of no less than 40 percent of these amounts annually to the capital account subject to provision for revision of this percentage incorporated into the plan referred to in Section 211(b). To take into account the special nature of the assistance, to be provided under this paragraph and Sections 212(b), 213(c), 214(c), 215(a)(3), 215(b)(3), 216(a), 216(b), 221(a), and 221(b), the division of these amounts among the national and state governments of the Federated States of Micronesia shall be certified to the Government of the United States by the Government of the Federated States of Micronesia.

(b) The annual expenditure of the grant amounts specified for the capital account in Section 211(a) by the Governments of the Marshall Islands and the Federated States of Micronesia shall be in accordance with official overall economic development plans provided by those Governments and concurred in by the Government of the United States prior to the effective date of this Compact. These plans may be amended from time to time by the Government of the Marshall Islands or the Federated States of Micronesia.

Report.

(c) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia recognize that the achievement of the goals of the plans referred to in Section 211(b) depends upon the availability of adequate internal revenue as well as economic assistance from sources outside of the Marshall Islands and the Federated States of Micronesia, including the Government of the United States, and may, in addition, be affected by the impact of exceptional economically adverse circumstances. Each of the Governments of the Marshall Islands and the Federated States of Micronesia shall therefore report annually to the President of the United States and to the Congress of the United States on the implementation of the plans and on their use of the funds specified in this Article. These reports shall outline the achievements of the plans to date and the need, if any, for an additional authorization and appropriation of economic assistance for that year to account for any exceptional, economically adverse circumstances. It is understood that the Government of the United States cannot be committed by this Section to seek or support such additional economic assistance.

Section 212

In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall provide to the Government of the Federated States of Micronesia $1 million annually for fourteen years commencing on the first anniversary of the effective date of this Compact. This amount may be used by the Government of the Federated States of Micronesia to defray current account expenditures attendant to the operation of the United States military Civic Action Teams made available in accordance with the separate agreement referred to in Section 227.

Post, p. 1818.

Section 213

Grants.

Post, p. 1824.

(a) The Government of the United States shall provide on a grant basis $1.9 million annually to the Government of the Marshall Islands in conjunction with Section 321(a). The Government of the Marshall Islands, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in the Kwajalein Atoll area of the Marshall Islands.

(b) The Government of the United States shall provide on a grant basis to the Government of the Federated States of Micronesia the sum of $160,000 in conjunction with Section 321(a). This sum shall be made available concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact. The Government of the Federated States of Micronesia, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in Yap State, Federated States of Micronesia.

Post, p. 1824.

Section 214

Grants.

As a contribution to efforts aimed at achieving increased self-sufficiency in energy production, the Government of the United States shall provide on a current account grant basis for fourteen years commencing on the first anniversary of the effective date of this Compact the following amounts:

(a) To the Government of the Marshall Islands, $2 million annually.

(b) To the Government of the Federated States of Micronesia, $3 million annually.

Section 215

Grants.

(a) As a contribution to the current account operations and maintenance of communications systems, the Government of the United States shall provide on a grant basis for fifteen years commencing on the effective date of this Compact the following amounts:

(1) to the Government of the Marshall Islands, $300,000 annually; and

(2) to the Government of the Federated States of Micronesia, $600,000 annually.

Communications and telecommunications.

(b) For the purpose of acquiring such communications hardware as may be located within the Marshall Islands and the Federated States of Micronesia or for such other current or capital account activity as may be selected, the Government of the United States shall provide, concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact, the sum of $9 million to be allocated as follows:

(1) to the Government of the Marshall Islands, $3 million; and

(2) to the Government of the Federated States of Micronesia, $6 million.

Section 216

Grants.

(a) The Government of the United States shall provide on a current account basis an annual grant of $5.369 million for fifteen years commencing on the effective date of this Compact for the purposes set forth below:

(1) $890,000 annually for the surveillance and enforcement by the Governments of the Marshall Islands and the Federated States of Micronesia of their respective maritime zones;

(2) $1.791 million annually for health and medical programs, including referrals to hospital and treatment centers; and

(3) $2.687 million annually for a scholarship fund or funds to support the post-secondary education of citizens of the Marshall Islands and the Federated States of Micronesia attending

United States accredited, post-secondary institutions in the United States, its territories and possessions, the Marshall Islands or the Federated States of Micronesia. The curricula criteria for the award of scholarships shall be designed to advance the purposes of the plans referred to in Section 211(b).

Ante, p. 1813.

(b) The Government of the United States shall provide the sum of $1.333 million as a contribution to the commencement of activities pursuant to Section 216(a)(1).

Grants.

(c) The annual grants referred to in Section 216(a) and the sum referred to in Section 216(b) shall be made available by the Government of the United States promptly after it receives instruction for their distribution agreed upon by the Governments of the Marshall Islands and the Federated States of Micronesia.

Section 217

Ante, p. 1813.
Ante, pp. 1814, 1815, post, p. 1818.

Except as otherwise provided, the amounts stated in Sections 211, 212, 214, 215 and 231 shall be adjusted for each Fiscal Year by the percent which equals two-thirds of the percentage change in the United States Gross National Product Implicit Price Deflator, or seven percent, whichever is less in any one year, using the beginning of Fiscal Year 1981 as the base.

Section 218

If in any year the funds made available by the Government of the United States for that year pursuant to this Article or Section 231 are not completely obligated by the recipient Government, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

Section 219

All funds previously appropriated to the Trust Territory of the Pacific Islands which are unobligated by the Government of the Trust Territory of the Pacific Islands as of the effective date of this Compact shall accrue to the Governments of the Marshall Islands and the Federated States of Micronesia for the purposes for which such funds were originally appropriated as determined by the Government of the United States.

Article II

Program Assistance

Section 221

Post, p. 1818.

(a) The Government of the United States shall make available to the Marshall Islands and the Federated States of Micronesia, in accordance with and to the extent provided in the separate agreements referred to in section 232, without compensation and at the levels equivalent to those available to the Trust Territory of the Pacific Islands during the year prior to the effective date of this Compact, the services and related programs:

(1) of the United States Weather Service;

(2) of the United States Federal Emergency Management Agency;

(3) provided pursuant to the Postal Reorganization Act, 39 U.S.C. 101 et seq.;

(4) of the United States Federal Aviation Administration; and

(5) of the United States Civil Aeronautics Board or its successor agencies which has the authority to implement the provisions of paragraph 5 of Article IX of such separate agreements, the language of which is incorporated into this Compact.

(b) The Government of the United States, recognizing the special needs of the Marshall Islands and the Federated States of Micronesia particularly in the fields of education and health care, shall make available, as provided by the laws of the United States, the annual amount of $10 million which shall be allocated in accordance with the provisions of the separate agreement referred to in Section 232.

Post, p. 1818.
Conservation.

(c) The Government of the United States shall make available to the Marshall Islands and the Federated States of Micronesia such alternate energy development projects, studies and conservation measures as are applicable to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, for the purposes and duration provided in the laws of the United States.

(d) The Government of the United States shall have and exercise such authority as is necessary for the purposes of this Article and as is set forth in the separate agreements referred to in Section 232, which shall also set forth the extent to which services and programs shall be provided to the Marshall Islands and the Federated States of Micronesia.

Section 222

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall consult regularly or upon request regarding:

(a) the economic development of the Marshall Islands or the Federated States of Micronesia; or

(b) the services and programs referred to in this Article. These services and programs shall continue to be provided by the Government of the United States unless their modification is provided by mutual agreement or their termination in whole or in part is requested by any recipient Government.

Section 223

Education.

The citizens of the Marshall Islands and the Federated States of Micronesia who are receiving post-secondary educational assistance from the Government of the United States on the day preceding the effective date of this Compact shall continue to be eligible, if otherwise qualified, to receive such assistance to complete their academic programs for a maximum of four years after the effective date of this Compact.

Section 224

Grants.

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia may agree from time to time to the extension of additional United States grant assistance, services and programs as provided by the Laws of the United States, to the Marshall Islands or the Federated States of Micronesia, respectively.

Section 225

The Governments of the Marshall Islands and the Federated States of Micronesia shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Marshall Islands or the Federated States of Micronesia at no cost to the Government of the United States as of the effective date of this Compact or as may be mutually agreed thereafter.

Section 226

The Governments of the Marshall Islands and the Federated States of Micronesia may request, from time to time, technical assistance from the federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws and which shall grant such technical assistance in a manner which gives priority consideration to the Marshall Islands and the Federated States of Micronesia over other recipients not a part of the United States, its territories or possessions. The Government of the United States shall coordinate the provision of such technical assistance in consultation with the respective recipient Government.

Section 227

In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available United States military Civic Action Teams for use in the Federated States of Micronesia under terms and conditions specified in a separate agreement which shall come into effect simultaneously with this Compact.

Article III

Administrative Provisions

Section 231

Effective date.

Upon the thirteenth anniversary of the effective date of this Compact, the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia shall commence negotiations regarding those provisions of this Compact which expire on the fifteenth anniversary of its effective date. If these negotiations are not concluded by the fifteenth anniversary of the effective date of this Compact, the period of negotiations shall extend for not more than two additional years, during which time the provisions of this Compact including Title Three shall remain in full force and effect. During this additional period of negotiations, the Government of the United States shall continue its assistance to the Governments with which it is negotiating pursuant to this Section at a level which is the average of the annual amounts granted pursuant to Sections 211, 212, 213, 214, 215 and 216 during the first fifteen years of this Compact. The average annual amount paid pursuant to Sections 211, 212, 214 and 215 shall be adjusted pursuant to Section 217.

Ante, pp. 1813-1816.

Ante, p. 1816.

Section 232

Ante, p. 1816.

The specific nature, extent and contractual arrangements of the services and programs provided for in Section 221 as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Marshall Islands or the Federated States of Micronesia, and other arrangements in connection with a service or program furnished by the Government of the United States, are set forth in separate agreements which shall come into effect simultaneously with this Compact.

Section 233

Audit. Grants.

The Government of the United States, in consultation with the Governments of the Marshall Islands and the Federated States of Micronesia, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Such audits shall be conducted on an annual basis during the first five years following the effective date of this Compact and shall be at no cost to the Government of the Marshall Islands or the Federated States of Micronesia.

Section 234

Real property.

Title to the property of the Government of the United States situated in the Trust Territory of the Pacific Islands or acquired for or used by the Government of the Trust Territory of the Pacific Islands on or before the day preceding the effective date of this Compact shall, without reimbursement or transfer of funds, vest in the Government of the Marshall Islands and the Federated States of Micronesia as set forth in a separate agreement which shall come into effect simultaneously with this Compact. The provisions of this Section shall not apply to the property of the Government of the United States for which the Government of the United States determines a continuing requirement.

Section 235

(a) Funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands, in his official capacity, as of the effective date of this Compact shall remain available as trust funds to their designated beneficiaries. The Government of the United States, in consultation with the Government of the Marshall Islands or the Federated States of Micronesia, shall appoint a new trustee who shall exercise the functions formerly exercised by the High Commissioner of the Trust Territory of the Pacific Islands.

(b) To provide for the continuity of administration, and to assure the Governments of the Marshall Islands and the Federated States of Micronesia that the purposes of the laws of the United States are carried out and that the funds of any other trust fund in which the High Commissioner of the Trust Territory of the Pacific Islands has authority of a statutory or customary nature shall remain available as trust funds to their designated beneficiaries, the Government of the United States agrees to assume the authority formerly vested in the High Commissioner of the Trust Territory of the Pacific Islands.

Section 236

Except as otherwise provided, approval of this Compact by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the sums and amounts specified in Articles I and III of this Title. The obligation of the United States under Articles I and III of this Title shall be enforceable in the United States Claims Court, or its successor court, which shall have jurisdiction in cases arising under this Section, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States

Article IV

Trade

Section 241

The Marshall Islands and the Federated States of Micronesia are not included in the customs territory of the United States.

Section 242

Imports.

For the purpose of assessing duties on their products imported into the customs territory of the United States, the Marshall Islands and the Federated States of Micronesia shall be treated as if they were insular possessions of the United States within the meaning of General Headnote 3(a) of the Tariff Schedules of the United States. The exceptions, valuation procedures and all other provisions of General Headnote 3(a) shall apply to any product deriving from the Marshall Islands or the Federated States of Micronesia.

19 USC 1202.

Section 243

Imports.

All products of the Marshall Islands or the Federated States of Micronesia imported into the customs territory of the United States which are not accorded the treatment set forth in Section 242 and all products of the United States imported into the Marshall Islands or the Federated States of Micronesia shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

91-834 652

Article V

Finance and Taxation

Section 251

The currency of the United States is the official circulating legal tender of the Marshall Islands and the Federated States of Micronesia. Should the Government of the Marshall Islands or the Federated States of Micronesia act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

Section 252

The Government of the Marshall Islands or the Federated States of Micronesia may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as such Government deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact be made according to the United States Internal Revenue Code.

26 USC prec. 1.

Section 253

A citizen of the Marshall Islands or the Federated States of Micronesia, domiciled therein, shall be exempt from:

(a) Income taxes imposed by the Government of the United States upon fixed or determinable annual income.

(b) Estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States.

Section 254

(a) In determining any income tax imposed by the Government of the Marshall Islands or the Federated States of Micronesia, those Governments shall have authority to impose tax upon income derived by a resident of the Marshall Islands or the Federated States of Micronesia from sources without the Marshall Islands and the Federated States of Micronesia, in the same manner and to the same extent as those Governments impose tax upon income derived from within their respective jurisdictions. If the Government of the Marshall Islands or the Federated States of Micronesia exercises such authority as provided in this subsection, any individual resident of the Marshall Islands or the Federated States of Micronesia who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Marshall Islands or the Federated States of Micronesia shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. For purposes of this Section, the term "resident of the Marshall Islands or the Federated States of Micronesia" shall be deemed to include any person who was physically present in the Marshall Islands or the Federated States of Micronesia for a period of 183 or more days during any taxable year; provided, that as between the Government of the Marshall Islands and the Federated States of Micronesia, the authority to tax an individual resident of the Marshall Islands or the Federated States of Micronesia in respect of income from sources without the Marshall Islands and the Federated States of Micronesia as provided in this subsection may be exercised only by the Government in whose jurisdiction such individual was physically present for the greatest number of days during the taxable year.

(b) If the Government of the Marshall Islands or the Federated States of Micronesia subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in Section 254(a).

Section 255

Where not otherwise manifestly inconsistent with the intent of this Compact, provisions in the United States Internal Revenue Code that are applicable to possessions of the United States as of January 1, 1980 shall be treated as applying to the Marshall Islands and the Federated States of Micronesia. If such provisions of the Internal Revenue Code are amended, modified or repealed after that date, such provisions shall continue in effect as to the Marshall Islands and the Federated States of Micronesia for a period of two years during which time the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia shall negotiate an agreement which shall provide benefits substantially equivalent to those which obtained under such provisions.

26 USC prec. 1

TITLE THREE

SECURITY AND DEFENSE RELATIONS

Article I

Authority and Responsibility

Section 311

(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Marshall Islands and the Federated States of Micronesia.

(b) This authority and responsibility includes:

(1) the obligation to defend the Marshall Islands and the Federated States of Micronesia and their peoples from attack or threats thereof as the United States and its citizens are defended;

(2) the option to foreclose access to or use of the Marshall Islands and the Federated States of Micronesia by military personnel or for the military purposes of any third country; and

(3) the option to establish and use military areas and facilities in the Marshall Islands and the Federated States of Micronesia, subject to the terms of the separate agreements referred to in Sections 321 and 323.

Post, p. 1824.

(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

59 Stat. 1031.

Section 312

Subject to the terms of any agreements negotiated in accordance with Sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Marshall Islands and the Federated States of Micronesia the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

(a) The Governments of the Marshall Islands and the Federated States of Micronesia shall refrain from actions which the Government of the United States determines, after appropriate consultation with those Governments, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Marshall Islands and the Federated States of Micronesia.

(b) The consultations referred to in this Section shall be conducted expeditiously at senior levels of the Governments concerned, and the subsequent determination by the Government of the United States referred to in this Section shall be made only at senior interagency levels of the Government of the United States.

(c) The Government of the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this Section.

Section 314

Hazardous materials.

(a) Unless otherwise agreed, the Government of the United States shall not, in the Marshall Islands or the Federated States of Micronesia:

(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

(b) Unless otherwise agreed, other than for transit or over flight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Marshall Islands or the Federated States of Micronesia, the Government of the United States shall not store in the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by Section 314(b).

Prohibitions.

(d) No material or substance referred to in this Section shall be stored in the Marshall Islands or the Federated States of Micronesia except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this Section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

Ante, p. 1807.

(e) Any exercise of the exemption authority set forth in Section 161(e) shall have no effect on the obligations of the Government of the United States under this Section or on the application of this subsection.

(f) The provisions of this Section shall apply in the areas in which the Government of the Marshall Islands or the Federated States of Micronesia exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

Section 315

Armed Forces.

The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Marshall Islands or the Federated States of Micronesia, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval by the Government of the Marshall Islands or the Federated States of Micronesia.

Section 316

The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

Article II

Defense Facilities and Operating Rights

Section 321

(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Marshall Islands or the Federated States of Micronesia are set forth in separate agreements which shall come into effect simultaneously with this Compact.

(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Marshall Islands or the Federated States of Micronesia in addition to those for which specific arrangements are concluded pursuant to Section 321(a), it may request the Government concerned to satisfy those requirements through leases or other arrangements. The Government of the Marshall Islands or the Federated States of Micronesia shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

Defense and national security. Real property.

(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Marshall Islands and the Federated States of Micronesia. In making any requests pursuant to Section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real property, where available, rather than through private real property.

Section 322

The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Marshall Islands and the Federated States of Micronesia at least to the extent necessary for the exercise of its authority and responsibility under this Title.

Section 323

The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Marshall Islands or the Federated States of Micronesia, are set forth in separate agreements which shall come into effect simultaneously with this Compact.

Article III

Defense Treaties and International Security Agreements

Section 331

Subject to the terms of this Compact and its related agreements, the Government of the United States, exclusively, shall assume and enjoy, as to the Marshall Islands and the Federated States of Micronesia, all obligations, responsibilities, rights and benefits of:

(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of the day preceding the effective date of this Compact.

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Marshall Islands and the Federated States of Micronesia. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Marshall Islands or the Federated States of Micronesia.

Article IV

Service in Armed Forces of the United States

Section 341

Ante, p. 1804.

Any person entitled to the privileges set forth in Section 141 shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States so long as such person does not establish habitual residence in the United States, its territories or possessions.

Section 342

The Government of the United States shall have enrolled, at any one time, at least two qualified students, one each from the Marshall Islands and the Federated States of Micronesia, as may be nominated by their respective Governments, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195.

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295b(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to Section 342(b) of this Compact.

Article V

General Provisions

Section 351

(a) The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall establish two Joint Committees empowered to consider disputes under the implementation of this Title and its related agreements.

(b) The membership of each Joint Committee shall comprise selected senior officials of each of the two participating Governments. The senior United States military commander in the Pacific area shall be the senior United States member of each Joint Committee. For the meetings of each Joint Committee, each of the two participating Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, each Joint Committee shall meet semi-annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. A Joint Committee also shall meet promptly upon request of either of its members. Upon notification by the Government of the United States, the Joint Committees so notified shall meet promptly in a combined session to consider matters within the jurisdiction of more than one Joint Committee. Each Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree.

(d) Unresolved issues in each Joint Committee shall be referred to the Governments concerned for resolution, and the Government of the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

Section 352

In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Governments of the Marshall Islands and the Federated States of Micronesia under Titles One, Two and Four and to their responsibility to assure the well-being of their peoples.

Post, p. 1827.

Section 353

(a) The Government of the United States shall not include any of the Governments of the Marshall Islands and the Federated States of Micronesia as named parties to a formal declaration of war, without their respective consent.

(b) Absent such consent, this Compact is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Marshall Islands or the Federated States of Micronesia, which arise out of armed conflict subsequent to the effective date of this Compact and which are:

(1) petitions to the Government of the United States for redress; or

(2) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under Section 353(b)(1) shall be treated as if they were made by citizens of the United States.

Section 354

Ante, p. 1818.
Post, p. 1829.

(a) Notwithstanding any other provision of this Compact, the provisions of this Title are binding from the effective date of this Compact for a period of fifteen years between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia and thereafter as mutually agreed or in accordance with Section 231, unless earlier terminated by mutual agreement pursuant to Section 441, or amended pursuant to Article III of Title Four.

Defense and national security.

Ante, p. 1821.

(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, and in view of the existence of separate agreements with each of them pursuant to Sections 321 and 323, that, even if this Title should terminate, any attack on the Marshall Islands or the Federated States of Micronesia during the period in which such separate agreements are in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the

United States and to the Marshall Islands and the Federated States of Micronesia in accordance with its constitutional processes.

TITLE FOUR

GENERAL PROVISIONS

Article I

Approval and Effective Date

Section 411

This Compact shall come into effect upon mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the Government of the Marshall Islands or the Federated States of Micronesia and subsequent to completion of the following:

(a) Approval by the Government of the Marshall Islands or the Federated States of Micronesia in accordance with its constitutional processes.

(b) Conduct of the plebiscite referred to in Section 412.

(c) Approval by the Government of the United States in accordance with its constitutional processes.

Section 412

A plebiscite shall be conducted in each of the Marshall Islands and the Federated States of Micronesia for the free and voluntary choice by the peoples of the Trust Territory of the Pacific Islands of their future political status through informed and democratic processes. The Marshall Islands and the Federated States of Micronesia shall each be considered a voting jurisdiction, and the plebiscite shall be conducted under fair and equitable standards in each voting jurisdiction. The Administering Authority of the Trust Territory of the Pacific Islands, after consultation with the Governments of the Marshall Islands and the Federated States of Micronesia, shall fix the date on which the plebiscite shall be called in each voting jurisdiction. The plebiscite shall be called jointly by the Administering Authority of the Trust Territory of the Pacific Islands and the other Signatory Government concerned. The results of the plebiscite in each voting jurisdiction shall be determined by a majority of the valid ballots cast in that voting jurisdiction.

Article II

Conference and Dispute Resolution

Section 421

The Government of the United States shall confer promptly at the request of the Government of the Marshall Islands or the Federated States of Micronesia and any of those Governments shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact or of its related agreements.

Section 422

In the event the Government of the United States, or the Government of the Marshall Islands or the Federated States of Micronesia, after conferring pursuant to Section 421, determines that there is a dispute and gives written notice thereof, the Governments which are parties to the dispute shall make a good faith effort to resolve the dispute among themselves.

Section 423

If a dispute between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia cannot be resolved within 90 days of written notification in the manner provided in Section 422, either party to the dispute may refer it to arbitration in accordance with Section 424.

Section 424

Should a dispute be referred to arbitration as provided for in Section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments which is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this Section within 30 days of referral of the dispute to arbitration pursuant to Section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) The Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four and their related agreements.

(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the other party to the dispute

Article III

Amendment

Section 431

The provisions of this Compact may be amended as to the Governments of the Marshall Islands and the Federated States of Micronesia and as to the Government of the United States at any time by mutual agreement.

Section 432

The provisions of this Compact may be amended as to any one of the Governments of the Marshall Islands or the Federated States of Micronesia and as to the Government of the United States at any time by mutual agreement. The effect of any amendment made pursuant to this Section shall be restricted to the relationship between the Governments agreeing to such amendment, but the other Governments signatory to this Compact shall be notified promptly by the Government of the United States of any such amendment.

Article IV

Termination

Section 441

This Compact may be terminated as to any one of the Governments of the Marshall Islands or the Federated States of Micronesia and as to the Government of the United States by mutual agreement and subject to Section 451.

Post, p. 1830.

Section 442

This Compact may be terminated by the Government of the United States as to the Government of the Marshall Islands or the Federated States of Micronesia subject to Section 452, such termination to be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended.

Post, p. 1830.

Section 443

This Compact shall be terminated, pursuant to their respective constitutional processes, by the Government of the Marshall Islands or the Federated States of Micronesia subject to Section 453 if the people represented by such Government vote in a plebiscite to terminate. Such Government shall notify the Government of the United States of its intention to call such a plebiscite which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by such Government in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, such Government shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

Post, p. 1830.

Article V

Survivability

Section 451

Ante, p. 1829.

Should termination occur pursuant to Section 441, economic assistance by the Government of the United States shall continue on mutually agreed terms.

Section 452

Ante, p. 1829.

(a) Should termination occur pursuant to Section 442, the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of this Compact between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia and thereafter as mutually agreed:

Ante, pp. 1810, 1812.
Ante, p. 1819.

(1) Article VI and Sections 172, 173, 176 and 177 of Title One;
(2) Article I and Section 233 of Title Two;
(3) Title Three; and
(4) Articles II, III, V and VI of Title Four.

Ante, p. 1829.

(b) The Government of the United States shall also provide the Government as to which termination occurs pursuant to Section 442 with either the programs or services provided pursuant to Article II of Title Two as the time of termination, or their equivalent, as determined by the Government of the United States. Such assistance shall continue until the fifteenth anniversary of the effective date of this Compact, and thereafter as mutually agreed.

Section 453

Ante, p. 1829.

(a) Should termination occur pursuant to Section 443, the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of this Compact between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia and thereafter as mutually agreed:

(1) Article VI and Sections 172, 173, 176 and 177 of Title One;
(2) Title Three; and
(3) Articles II, III, V and VI of Title Four.

(b) Upon receipt of notice of termination pursuant to Section 443, the Government of the United States and the Government so terminating shall promptly consult with regard to their future relationship. These consultations shall determine the level of economic assistance which the Government of the United States shall provide to the Government so terminating for the period ending on the fifteenth anniversary of the effective date of this Compact provided that the annual amounts specified in Sections 211, 212, 214, 215 and 216 shall continue without diminution. Such amounts, with the exception of those specified in Section 216, shall be adjusted according to the formula set forth in Section 217.

Ante, p. 1813-1815.
Ante, p. 1816.

Section 454

Notwithstanding any other provision of this Compact:

(a) The Government of the United States reaffirms its continuing interest in promoting the long-term economic advancement and self-sufficiency of the peoples of the Marshall Islands and the Federated States of Micronesia.

(b) The separate agreements referred to in Article II of the Title Three shall remain in effect in accordance with their terms which shall also determine the duration of Section 213.

Ante, p. 1814.

Article VI

Definition of Terms

Section 461

For the purpose of this Compact only and without prejudice to the views of the Government of the United States or the Government of the Marshall Islands or the Federated States of Micronesia as to the nature and extent of the jurisdiction under international law of any of them, the following terms shall have the following meanings:

(a) "Trust Territory of the Pacific Islands" means the area established in the Trusteeship Agreement consisting of the administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, Section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.

(b) "Trusteeship Agreement" means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) "The Marshall Islands" and "the Federated States of Micronesia" are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) "Government of the Marshall Islands" means the Government established and organized by the Constitution of the Marshall Islands including all the political subdivisions and entities comprising that Government.

"Government of the Federated States of Micronesia" means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(e) The following terms shall be defined consistent with the 1976 Edition of the Radio Regulations of the International Telecommunications Union (ISBN 92-61-0081-5) as follows:

(1) "Radio Communications" means telecommunication by means of radio waves.

(2) "Station" means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radio communication service; each station shall be classified by the service in which it operates permanently or temporarily.

(3) "Broadcasting Service" means a radio communication service in which the transmissions are intended for direct reception by the general public, and which may include sound transmissions, television transmissions or other types of transmissions.

(4) "Broadcasting Station" means a station in the broadcasting service.

(f) "Frequency Assignment" means the same as "Frequency Assignment" means in the 1976 Edition of the Radio Regulations of the International Telecommunications Union (ISBN 92-61-0081-5).

(g) "Habitual Residence" means a place of general abode or a principal, actual dwelling place of a continuing or lasting nature; provided, however, that this term shall not apply to the residence of any person who entered the United States for the purpose of full-time studies as long as such person maintains that status, or who has been physically present in the United States, the Marshall Islands, or the Federated States of Micronesia for less than one year, or who is a dependent of a resident representative, as described in Section 152. Ante, p. 1806.

(h) For the purposes of Article IV of Title One of this Compact:

(1) "Actual Residence" means physical presence in the Marshall Islands or the Federated States of Micronesia during eighty-five percent of the period of residency required by Section 141(a)(3); and Ante, p. 1804.

(2) "Certificate of Actual Residence" means a certificate issued to a naturalized citizen by the Government which has naturalized him stating that the citizen has complied with the actual residence requirement of Section 141(a)(3).

(i) "Military Areas and Facilities" means those areas and facilities in the Marshall Islands or the Federated States of Micronesia reserved or acquired by the Government of the Marshall Islands or the Federated States of Micronesia for use by the Government of the United States, as set forth in the separate agreements referred to in Section 321. Ante, p. 1824.

(j) "Capital Account" means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, adjusted by Section 217, which are to be obligated for: Ante, p. 1816.

(1) the construction or major repair of capital infrastructure; or

(2) public and private sector projects identified in the official overall economic development plan.

(k) "Current Account" means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, adjusted by Section 217, which are to be obligated for recurring operational activities including infrastructure maintenance as identified in the annual budget justifications submitted yearly to the Government of the United States.

(l) "Official Overall Economic Development Plan" means the documented program of annual development which identifies the specific policy and project activities necessary to achieve a specified set of economic goals and objectives during the period of free association, consistent with the economic assistance authority in Title Two. Such a document should include an analysis of population trends, manpower requirements, social needs, gross national product estimates, resource utilization, infrastructure needs and expenditures, and the specific private sector projects required to develop the local economy of the Marshall Islands or the Federated States of Micronesia. Project identification should include initial cost estimates, with project purposes related to specific development goals and objectives.

(m) "Tariff Schedules of the United States" means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended. 19 USC 1202.

(n) "Vienna Convention on Diplomatic Relations" means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95.

Section 462

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia, as appropriate, shall conclude related agreements which shall come into effect and shall survive in accordance with their terms, as follows:

(a) Agreement Regarding the Provision of Telecommunication Services by the Government of the United States to the Marshall Islands and the Federated States of Micronesia Concluded Pursuant to Section 131 of the Compact of Free Association; Ante, p. 1803.

(b) Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in the Marshall Islands and the Federated States of Micronesia Concluded Pursuant to Section 132 of the Compact of Free Association; Ante, p. 1804.

(c) Agreement on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175 of the Compact of Free Association; Ante, p. 1812.

(d) Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association; Ante, p. 1812.

(e) Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association; Ante, p. 1818.

(f) Agreement Concluded Pursuant to Section 234 of the Compact of Free Association; Ante, p. 1819.

(g) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association; Ante, p. 1824.

(h) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Federated States of Micronesia Concluded Pursuant to Sections 227, 321 and 323 of the Compact of Free Association; Ante, pp. 1818, 1824.

(i) Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact of Free Association;

(j) Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association; and

(k) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association.

Section 463

(a) Except as set forth in Section 463(b), any reference in this Compact to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as such provision was in force on January 1, 1980.

(b) Any reference in Article VI of Title One and Sections 131, 174, 175, 178 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act or the Administrative Procedure Act Ante, pp. 1803, 1810. Ante, pp. 1812, 1813, 1825. 5 USC 552a note. 5 USC 552 note, prec. 551.

constitutes the incorporation of the language of such provision into this Compact as such provision is in force on the effective date of this Compact or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.

Article VII

Concluding Provisions

Section 471

(a) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree that they have full authority under their respective Constitutions to enter into this Compact and its related agreements and to fulfill all of their respective responsibilities in accordance with the terms of this Compact and its related agreements. The Governments pledge that they are so committed.

(b) Each of the Governments of the United States, the Marshall Islands and the Federated States of Micronesia shall take all necessary steps, of a general or particular character, to ensure, not later than the effective date of this Compact, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact.

(c) Without prejudice to the effects of this Compact under international law, this Compact has the force and effect of a statute under the laws of the United States.

Section 472

This Compact may be accepted, by signature or otherwise, by the Government of the United States, the Government of the Marshall Islands, and the Government of the Federated States of Micronesia. Each Government accepting this Compact shall possess an original English language version.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and each of the other Governments signatory to this Compact.

DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF

OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO

FOR THE GOVERNMENT

OF

THE UNITED STATES OF AMERICA

AMBASSADOR FRED M. ZEDER, II
PRESIDENT'S PERSONAL REPRESENTATIVE
FOR MICRONESIAN STATUS NEGOTIATIONS

DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF

OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO

FOR THE GOVERNMENT

OF

THE FEDERATED STATES OF MICRONESIA

HONORABLE ANDON L. AMARAICH
CHAIRMAN, COMMISSION ON FUTURE
POLITICAL STATUS AND TRANSITION

DONE AT MAJURO, MARSHALL ISLANDS, THIS 25TH DAY

OF JUNE, ONE THOUSAND, NINE HUNDRED, EIGHTY-THREE

FOR THE GOVERNMENT

OF

THE UNITED STATES OF AMERICA

AMBASSADOR FRED M. ZEDER, II
PRESIDENT'S PERSONAL REPRESENTATIVE
FOR MICRONESIAN STATUS NEGOTIATIONS

DONE AT MAJURO, MARSHALL ISLANDS, THIS 25TH DAY

OF JUNE, ONE THOUSAND, NINE HUNDRED EIGHTY-THREE

FOR THE GOVERNMENT

OF

THE MARSHALL ISLANDS

PRESIDENT AMATA KABUA
PRESIDENT OF THE REPUBLIC
OF THE MARSHALL ISLANDS

SEC. 202. JURISDICTION.

48 USC 1681 note
Ante, p 1824.

(a) With respect to section 321 of the Compact of Free Association and its related agreements, the jurisdictional provisions set forth in subsection (b) of this section shall apply only to the citizens and nationals of the United States and aliens lawfully admitted to the United States for permanent residence who are in the Marshall Islands or the Federated States of Micronesia.

(b)(1) The defense sites of the United States established in the Marshall Islands or the Federated States of Micronesia in accordance with the Compact of Free Association and its related agreements are within the special maritime and territorial jurisdiction of the United States as set forth in section 7, title 18, United States Code.

Hawaii

(2) Any person referred to in subsection (a) of this section who within or upon such defense sites is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State of Hawaii by the laws thereof, in force at

the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

Courts, U.S. Hawaii.

(3) The United States District Court for the District of Hawaii shall have jurisdiction to try all criminal offenses against the United States, including the laws of the State of Hawaii made applicable to the defense sites in the Marshall Islands or the Federated States of Micronesia by virtue of paragraph (2) of this subsection, committed by any person referred to in subsection (a) of this section.

Hawaii.

28 USC 631 et seq.

98 Stat. 3138.

(4) The United States District Court for the District of Hawaii may appoint one or more magistrates for the defense sites in the Marshall Islands. Such Magistrates shall have the power and the status of Magistrates appointed pursuant to chapter 43, title 28, United States Code, provided, however that such Magistrates shall have the power to try persons accused of and sentence persons convicted of petty offenses, as defined in section 1(3), title 18, United States Code, including violations of regulations for the maintenance of peace, order, and health issued by the Commanding Officer on such defense sites, without being subject to the restrictions provided for in section 3401(b), title 18, United States Code.

TITLE III—PACIFIC POLICY REPORTS

48 USC 1681 note

SEC. 301. FINDINGS.

✗ The Congress finds that—

(1) the United States does not have a clearly defined policy for United States noncontiguous Pacific areas (including the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the State of Hawaii, and the State of Alaska) and for United States-associated noncontiguous Pacific areas (including the Federated States of Micronesia, the Marshall Islands, and Palau);

(2) the Federal Government has often failed to consider the implications for, effects on, and potential of noncontiguous Pacific areas in the formulation and conduct of foreign and domestic policy, to the detriment of both the attainment of the objectives of Federal policy and noncontiguous Pacific areas;

(3) policies and programs designed for the United States as a whole may impose inappropriate standards on noncontiguous Pacific areas because of their unique circumstances and needs; and

(4) the present Federal organizational arrangements for liaison with (and providing assistance to) the insular areas may not be adequate—

(A) to coordinate the delivery of Federal programs and services to noncontiguous Pacific areas;

(B) to provide a consistent basis for administration of programs;

(C) to adapt policy to the special requirements of each area and modify the application of Federal programs, laws, and regulations accordingly;

(D) to be responsive to the Congress in the discharge of its responsibilities; and

(E) to attain the international obligations of the United States.

done by State'
Sec. info office - Native Rights 153 pg

SEC. 302. REPORTS.

48 USC 1681 note

(a) SUBMISSION.—Not later than one year after the date of the enactment of this joint resolution and each five years thereafter, the Secretary of the Interior, in consultation with the Secretary of State, shall submit to the Congress and the President a report on United States noncontiguous Pacific areas policy together with such recommendations as may be necessary to accomplish the objectives of such policy.

(b) CONTENTS.—The reports required in subsection (a) of this section shall set forth clearly defined policies regarding United States, and United States associated, noncontiguous Pacific areas, including—

(1) the role of and impacts on the noncontiguous Pacific areas in the formulation and conduct of foreign policy;

(2) the applicability of standards contained in Federal laws, regulations, and programs to the noncontiguous Pacific areas and any modifications which may be necessary to achieve the intent of such laws, regulations, and programs consistent with the unique character of the noncontiguous Pacific areas;

(3) the effectiveness of the Federal executive organizational arrangements for—

(A) providing liaison between the Federal Government and the governments of the noncontiguous Pacific areas;

(B) coordinating Federal actions in a manner which recognizes the unique circumstances and needs of the noncontiguous Pacific areas; and

(C) achieving the objective of Federal policy and ensuring that the Congress receives the information necessary to discharge its responsibilities; and

✗ (4) actions which may be needed to facilitate the economic and social health and development of the noncontiguous Pacific areas, consistent with their self-determined objectives.

SEC. 303. CONFERENCE.

48 USC 1681 note Reports

(a) MEETING.—Prior to submitting the reports required under section 302(b), the Secretary of the Interior, in consultation with the Secretary of State, shall convene a conference to obtain the views of the noncontiguous Pacific areas on the matters required to be addressed in such reports.

(b) PARTICIPANTS.—Representatives of each of the noncontiguous Pacific areas; and the heads of all executive departments and agencies, and other public and private organizations concerned with the noncontiguous Pacific areas as requested by the Secretary of the Interior shall be entitled to be participants in the conference.

(c) WRITTEN COMMENTS.—The Secretary of the Interior shall afford participants in the conference an opportunity to submit written comments for inclusion in the reports required under section 302.

SEC. 304. ADMINISTRATIVE MATTERS.

48 USC 1681 note

(a) ADMINISTRATIVE SUPPORT.—The Secretary of the Interior shall provide all necessary administrative support to accomplish the requirements of sections 302 and 303.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

pg. 173

TITLE IV—CLARIFICATION OF CERTAIN TRADE AND TAX PROVISIONS OF THE COMPACT

48 USC 1681 note.
Ante, p. 1820.

SEC. 401. FREELY ASSOCIATED STATES TARIFF TREATMENT.

(a) SECTION 242.—Section 242 of the Compact shall be construed and applied as if it read as follows:

"Section 242

President of U.S.

"The President shall proclaim the following tariff treatment for articles imported from the Federated States of Micronesia or the Marshall Islands which shall apply during the period of effectivenss of this title:

98 Stat. 3020.

"(1) Unless otherwise excluded, articles imported from the Federated States of Micronesia or the Marshall Islands, subject to the limitations imposed under sections 503(b) and 504(c) of title 5 of the Trade Act of 1974 (19 U.S.C. 2463(b); 2464(c)), shall be exempt from duty.

Tuna fish.
Imports.
19 USC 1202.

"(2) Only canned tuna provided for in item 112.30 of the Tariff Schedules of the United States that is imported from the Federated States of Micronesia and the Marshall Islands during any calendar year not to exceed 10 percent of the United States consumption of canned tuna during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty free treatment under this paragraph for any calendar year shall be counted against the aggregate quantity of canned tuna that is dutiable under rate column numbered 1 of such item 112.30 for that calendar year.

Prohibitions.

"(3) The duty-free treatment provided under paragraph (1) shall not apply to—

"(A) watches, clocks, and timing apparatus provided for in subpart E of part 2 of schedule 7 of the Tariff Schedules of the United States;

"(B) buttons (whether finished or not finished) provided for in item 745.32 of such Schedules;

"(C) textile and apparel articles which are subject to textile agreements; and

"(D) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of chapter V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

"(4) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Federated States of Micronesia or the Marshall Islands, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(b)(2) of title V of the Trade Act of 1974.".

98 Stat. 3020.
Ante, p. 1820.

(b) SECTION 243.—Section 243 of the Compact shall be construed and applied as if it read as follows:

"Section 243

Imports.

"Articles imported from the Federated States of Micronesia or the Marshall Islands which are not exempt from duty under paragraphs (1), (2), (3), and (4) of section 242 shall be subject to the rates of duty set forth in column numbered 1 of the Tariff Schedules of the United States and all products of the United States imported into the Federated States of Micronesia or the Marshall Islands shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage, or use.".

19 USC 1202.

48 USC 1681 note.
Ante, p. 1820.

SEC. 402. CONSTRUCTION OF SECTION 253 OF THE COMPACT.

(a) Subsection (a) of section 253 of the Compact shall not apply.

(b) Subsection (b) of section 253 of the Compact shall apply only to individuals who are nonresidents and not citizens of the United States.

48 USC 1681 note.

SEC. 403. CONSTRUCTION OF SECTION 254 OF THE COMPACT.

Ante, p. 1821.

The relief from liability referred to in the second sentence of section 254(a) of the Compact means only—

(1) relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and

(2) relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1954.

26 USC 911.

48 USC 1681 note.
Ante, p. 1821.

SEC. 404. CONSTRUCTION OF SECTION 255 OF THE COMPACT.

Section 255 of the Compact shall be construed and applied as if it read as follows:

"Section 255

26 USC 936.

"(a) EXTENSION OF SECTION 936 TO THE MARSHALL ISLANDS AND THE FEDERATED STATES OF MICRONESIA.—For purposes of section 936 of the Internal Revenue Code of 1954, the Marshall Islands and the Federated States of Micronesia shall be treated as if they were possessions of the United States.

"(b) EXCHANGE OF INFORMATION.—Subsection (a) shall not apply to the Marshall Islands and the Federated States of Micronesia (as the case may be) for any period after December 31, 1986, during which there is not in effect between the appropriate government and the United States an exchange of information agreement of the kind described in section 274(h)(6)(C) (other than clause (ii) thereof) of the Internal Revenue Code of 1954.

26 USC 274.
Taxes.

"(c) PROCEDURE IF SECTION 936 INCENTIVES REDUCED.—If the tax incentives extended to the Marshall Islands and the Federated States of Micronesia under subsection (a) are, at any time during which the Compact is in effect, reduced, the Secretary of the Treasury shall negotiate an agreement with the Marshall Islands and the Federated States of Micronesia under which, when such agreement is approved by law, they will be provided with benefits substantially equivalent to such reduction in benefits. If, within the 1 year period after the date of the enactment of the Act making the reduction in benefits, an agreement negotiated under the preceding sentence is not approved by law, the matter shall be submitted to the Arbitration Board established pursuant to section 424 of the Compact. For purposes of Article V of Title Two of the Compact, the Secretary of the Treasury or his delegate shall be the member of such Board representing the Government of the United States. Any decision of such Board in the matter when approved by law shall be binding on the United States, except that such decision rendered is binding only as to whether the United States has provided the substantially equivalent benefits referred to in this subsection.".

Ante, p. 1828.

48 USC 1681 note.

SEC. 405. THE MARSHALL ISLANDS AND THE FEDERATED STATES OF MICRONESIA TREATED AS NORTH AMERICAN AREA.

For purposes of section 274(h)(3)(A) of the Internal Revenue Code of 1954, the term "North American Area" shall include the Marshall Islands and the Federated States of Micronesia. 26 USC 274.

48 USC 1681 note.

SEC. 406. EFFECTIVE DATE.

This title shall apply to income earned, and transactions occurring, after September 30, 1985, in taxable years ending after such date.

48 USC 1681 note.

SEC. 407. STUDY OF TAX PROVISIONS.

The Secretary of the Treasury or his delegate—

(1) shall conduct a study of the effects of the tax provisions of the Compact (as clarified by the foregoing provisions of this title), and

Report. (2) shall report the results of such study before October 1, 1987, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

48 USC 1681 note.

SEC. 408. COORDINATION WITH OTHER PROVISIONS.

Nothing in any provision of this joint resolution (other than this title) which is inconsistent with any provision of this title shall have any force or effect.

TITLE V—COMPACT OF FREE ASSOCIATION WITH PALAU

48 USC 1681 note.

SEC. 501. APPROVAL IN PRINCIPLE.

(a) Subject to subsection (b) of this section, Congress expresses its approval in principle of the Compact of Free Association Between the Government of the United States of America and the Government of the Republic of Palau, the text of which was printed in the Congressional Record of November 14, 1985 on pages S15622 through S15628, inclusive, and which is also printed as Committee Print No. 4 of the Committee on Interior and Insular Affairs of the House of Representatives of the 99th Congress.

(b) A Compact with Palau after it is transmitted to Congress by the President shall take effect only upon—

President of U.S. Ante, p. 1827. (1) a certification by the President to the Congress that the Republic of Palau has approved a Compact in accordance with section 411 of the Compact described in subsection (a) and that the President has determined that the United States will be able to carry out fully its rights and responsibilities under Title Three of the Compact described in subsection (a) and the subsidiary agreements thereto; and

(2) enactment by the Congress of a joint resolution approving a compact and providing for its implementation.

48 USC 1681 note.

SEC. 502. MODIFICATIONS OF COMPACT.

Ante, pp. 1791, 1835. Title IV and Sections 105 (b), 105(c), 105(h)(1), 105(l), and 202 of this joint resolution shall apply to a compact with Palau, except that any reference in such sections to the Compact shall be treated as referring to the Compact described in section 501 of this joint resolution, and any reference in such Title and sections to the Federated States of Micronesia or the Marshall Islands shall be treated as referring to the Republic of Palau. For purposes of applying section 242(2) of the Compact, the annual 10 percent limitation on duty-free imports of canned tuna applies to imports from the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau. Ante, p. 1830. Ante, p. 1820.

Approved January 14, 1986.

LEGISLATIVE HISTORY—H.J. Res. 187 (S.J. Res. 77):

HOUSE REPORTS: No. 99-188, Pt. I (Comm. on Foreign Affairs), Pt. II (Comm. on Interior and Insular Affairs), Pt. III (Comm. on Merchant Marine and Fisheries), and Pt. IV (Comm. on Ways and Means).

SENATE REPORT No. 99-16, accompanying S.J. Res. 77 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 131 (1985):

July 25, considered and passed House.

Oct. 2, Nov. 14, S.J. Res. 77, considered in Senate.

Nov. 14, H.J. Res. 187, considered and passed Senate, amended, in lieu of S.J. Res. 77.

Dec. 11, House agreed to Senate amendments with an amendment.

Dec. 13, Senate concurred in House amendment.

○

Mary Ann Mills

CHAPTER 12

International Trusteeship System

Art. 75. The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereafter referred to as 'trust territor

Art. 76. The basic objectives of the trusteeship system shall be:

(*a*) to further international peace and security;

(*b*) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development toward self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

(*c*) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

(*d*) to ensure equal treatment in social, economic, and commercial matters for all members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice; without prejudice to the attainment of the foregoing objectives. . . .

Art. 77. 1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

(*a*) Territories now held under mandate;

(*b*) Territories which may be detached from enemy States as a result of the second World War; and

(*c*) Territories voluntarily placed under the system by States responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Art. 78. The trusteeship system shall not apply to territories which have become members of the United Nations, relationship among which should be based on respect for the principle of sovereign equality.

Art. 79. The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the States directly concerned, including the mandatory power in the case of territories held under mandate by a member of the United Nations. . . .

Chapter 13 deals with the composition, functions and powers of, and procedure in the Trusteeship Council (see page 23).

Chapter 14 deals with the International Court of Justice (see page 25).

Chapter 15 deals with the Secretariat and includes details of the functions of the Secretary-General (see page 26).

Chapter 16 contains miscellaneous provisions, including:

Art. 103. In the event of a conflict between the obligations of the members of the United Nations under the Charter and any other international obligations to which they are subject, their obligations under the Charter shall prevail.

Art. 105. 1. The organization shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the members of the United Nations and officials of the organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the organization.

Chapter 17 provides for certain transitional security arrangements.

Chapter 18 gives the procedure for the adoption of amendments to the Charter, and provides for the convening of a conference for the purpose of reviewing the Charter.

Chapter 19 contains provisions on the ratification and signature of the Charter. [*7425A*]

The principles of the U.N. Charter incorporated those of the Pact of Paris (or Briand-Kellogg Pact), proposed by the United States, signed in Paris on Aug. 27, 1928, accepted by 15 Governments and subsequently ratified by 63 States.

This Pact consisted of two paragraphs as follows:

Art. 1. The High Contracting Parties solemnly declare in the names of their peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Art. 2. The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

The Paris Pact was binding only upon the parties to it.

THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

Feb. 19, 19[illegible] ratified by [illegible]
[illegible]

This Convention, adopted by the U.N. General Assembly on Dec. 9, 1948, provided *inter alia* as follows:

Art. 1. The Contracting Parties confirm that genocide, whether committed in time of peace or of war, is a crime under international law which they undertake to prevent and punish.

Art. 2. Genocide means any of the following acts committed with intent to destroy, in whole or part, a national, ethnical, racial, or religious group:

(*a*) Killing members of the group;

(*b*) Causing serious bodily or mental harm to members of the group;

(*c*) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part;

(*d*) Imposing measures intended to prevent births within the group;

(*e*) Forcibly transferring children of the group to another group.

Art. 3. The following acts shall be punishable:

(*a*) Genocide;

(*b*) Conspiracy to commit genocide;

(*c*) Direct and public incitement to commit genocide;

(*d*) Attempt to commit genocide;

(*e*) Complicity in genocide.

Art. 4. Persons committing genocide or any of the other acts enumerated in Art. 3 shall be punished, whether they are constitutionally responsible rulers, public officials, or private individuals.

Art. 5. The Contracting Parties undertake to enact, in accordance with their respective constitutions, the necessary legislation to give effect to the provisions of the Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Art. 3.

Art. 6. Persons charged with genocide or any of the other acts enumerated in Art. 3 shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to such Contracting Parties as shall have accepted the jurisdiction of such tribunal.

Art. 7. Genocide and the other acts enumerated in Art. 3 shall not be considered as political crimes for the purpose of extradition. The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Art. 8. Any Contracting Party may call upon the competent organs of the United Nations to take such action under the U.N. Charter as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Art. 3.

Art. 9. Disputes between the Contracting Parties relating to the interpretation, application, or fulfilment of the Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Art. 3, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute. [*Page 9700*]

The Convention came into force on Jan. 12, 1951. [*11336C*]

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE COVENANTS ON HUMAN RIGHTS

The U.N. General Assembly on Dec. 10, 1948, adopted, by 48 votes to none (with 8 abstentions by the Communist member-States, South Africa, and Saudi Arabia), the Universal Declaration of Human Rights, the first international Bill of Rights in human history.

The Declaration is worded as follows:

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world;

whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people;

whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of the law;

whereas it is essential to promote the development of friendly relations between nations;

whereas the people of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom;

whereas Member-States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms;

whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge;

The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms, and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member-States themselves and among the peoples of territories under their jurisdiction.

Art. 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience, and should act towards one another in a spirit of brotherhood.

Art. 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Art. 3. Everyone has the right to life, liberty, and security of person.

Art. 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Art. 5. No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

Art. 6. Everyone has the right to recognition everywhere as a person before the law.

Art. 7. All are equal before the law, and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Art. 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law.

Art. 9. No one shall be subjected to arbitrary arrest, detention, or exile.

Art. 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Art. 11. (1) Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

Art. 12. No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Art. 13. (1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Art. 14. (1) Everyone has the right to seek and enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Art. 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Art. 16. (1) Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society, and is entitled to protection by society and the State.

Art. 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Art. 18. Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.

Art. 19. Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.

Art. 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

* Art. 21. (1) Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of Government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage, and shall be held by secret vote or by equivalent free voting procedures.

Art. 22. Everyone, as a member of society, has the right to social security and is entitled to the realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social, and cultural rights indispensable for his dignity and the free development of his personality.

Art. 23. (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration, ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Art. 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Art. 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Art. 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available, and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Art. 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts, and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author.

Art. 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Art. 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined

by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and of meeting the just requirements of morality, public order, and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and freedoms set forth herein.

Art. 30. Nothing in this Declaration may be interpreted as implying for any State, group, or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein." [9699A]

In implementation of the Declaration, the U.N. General Assembly unanimously adopted, on Dec. 13, 1967, (*a*) an International Covenant on Economic, Social, and Cultural Rights; (*b*) an International Covenant on Civil and Political Rights, and (*c*) an Optional Protocol to the latter.

The Covenant under (*a*), consisting of 31 articles, recognized, *inter alia*, the right to work, to social security, to adequate standards of living, to freedom from hunger, and to health and education. It provided that States parties to the Covenant would report to the U.N. Economic and Social Council on the measures adopted and progress made toward the realization of these rights.

The Covenant under (*b*), consisting of 53 articles, provided, *inter alia*, for the right to life, liberty, security, and privacy; for the right to a fair trial and to freedom from arbitrary arrest; for freedom of thought, conscience, and religion; and for freedom of association. Other Articles provide for freedom of consent to marriage, the protection of children, and the preservation of the cultural, religious, and linguistic heritage of minorities. It was laid down that the implementation of this Covenant would be supervised by a Human Rights Committee consisting of 18 persons elected by the States acceding to the Covenant.

The Optional Protocol empowered the Human Rights Committee to receive and consider communications from individuals claiming to be victims of a violation by a State party to the Covenant of any of the rights set forth in the Covenant. [21930A]

Arising out of the Declaration of Human Rights, a Convention on the Nationality of Married Women was approved by the U.N. General Assembly in 1957 against the votes of Egypt and Syria and with 24 abstentions (including the U.S.A.). [*Page 15500*]

THE DECLARATION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

The U.N. General Assembly on Nov. 7, 1967, adopted by 111 votes to nil, with 11 countries absent, a Declaration on the Elimination of Discrimination against Women.

The Declaration proclaimed *inter alia* that women should have equal rights with men in the political sphere and in the field of civil law, in economic and social life, and in education at all levels. It called for the abolition of all laws and customs which had the effect of discriminating against women and of all practices based on the idea of the inferiority of women; for the prohibition of child marriage and of betrothal of girls before puberty; and for measures to combat traffic in women and exploitation of prostitution. Among rights enumerated were those of a wife to retain her nationality if married to an alien; to have free choice of a husband; and to enjoy equality of treatment with men in respect of work of equal value. [22584A]

OTHER U.N. CONVENTIONS

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

A United Nations convention on slavery, based on the 1951 report of a 4-member committee appointed by the Secretary-General in 1949 at the request of the Economic and Social Council, was designed to supplement a League of Nations convention of 1926. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery was adopted and opened for signature in September 1956 and has been in force since April 30, 1957. By the end of October 1967, 70 nations had ratified or acceded to it.

The U.N. convention differs from the earlier one in dealing with a number of institutions and practices similar to slavery in their effect. The institutions and practices outlawed by the 1956 Convention are debt bondage, serfdom, marriage by payment or inheritance, and the exploitation of child labor.

The convention advocates the prescribing of minimum ages of marriage, and the registration of marriages. It also provides for the punishment of persons participating in the slave trade, and of persons guilty of enslaving another person or of inducing another person to give himself or a dependent into slavery. Provision is made for the co-operation of States parties to the convention to give effect to its provisions, and for the communication to the U.N. Secretary General of laws, regulations, and administrative measures enacted or put into effect to implement the provisions

Maryellen Mills

UNITED STATES
STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
SEVENTY-NINTH CONGRESS
OF THE UNITED STATES OF AMERICA

1945

AND

PROCLAMATIONS, TREATIES, AND INTERNATIONAL
AGREEMENTS OTHER THAN TREATIES

COMPILED, EDITED, INDEXED, AND PUBLISHED BY AUTHORITY OF LAW
UNDER THE DIRECTION OF THE SECRETARY OF STATE

VOLUME 59

IN TWO PARTS

PART 2

PRIVATE LAWS, CONCURRENT RESOLUTIONS,
PROCLAMATIONS, TREATIES, AND INTERNATIONAL
AGREEMENTS OTHER THAN TREATIES

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1946

Ante, p. 1014.

WHEREAS it is provided in Article XVIII of the said convention that the convention shall come into force as soon as it has been signed or acceded to on behalf of ten or more governments;

WHEREAS the said convention was signed on or before January 15, 1945 by the respective plenipotentiaries of France, Poland, the United Kingdom of Great Britain and Northern Ireland, China, the Union of South Africa, Nicaragua, Luxembourg, Ecuador, Greece, Honduras, and Haiti without any reservation with respect to ratification;

WHEREAS, pursuant to the aforesaid provision of Article XVIII of the said convention, the convention came into force on January 15, 1945 in respect of the aforementioned eleven countries on behalf of which the convention had been signed without any reservation with respect to ratification;

AND WHEREAS the said convention was duly ratified on behalf of the Government of the United States of America on May 29, 1945, and the instrument of ratification of the said Government was deposited on that same day in the archives of the United States of America;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America, and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof, on and after May 29, 1945.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-ninth day of May
in the year of our Lord one thousand nine hundred
[SEAL] forty-five, and of the Independence of the United States of
America the one hundred sixty-ninth.

HARRY S TRUMAN

By the President:
JOSEPH C. GREW
Acting Secretary of State

ments may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

a. to further international peace and security;

b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

a. territories now held under mandate;

b. territories which may be detached from enemy states as a result of the Second World War; and

c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII

THE TRUSTEESHIP COUNCIL

Composition

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

a. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Functions and Powers

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

b. accept petitions and examine them in consultation with the administering authority;

c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Voting

Article 89

1. Each member of the Trusteeship Council shall have one vote.

2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Procedure

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV

THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

DECOLONIZATION

A publication
of the United Nations Department of Political Affairs,
Trusteeship and Decolonization
Vol. II No. 6
December 1975

FIFTEEN YEARS OF THE UNITED NATIONS DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Pages

I. BACKGROUND OF THE DECLARATION 4-8

II. ADOPTION OF THE DECLARATION 9-10

III. ESTABLISHMENT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES 11-12

IV. GENERAL POLICIES AND PROCEDURES RELATING TO DECOLONIZATION FOLLOWED BY UNITED NATIONS BODIES 13-24

- A. Territories within the Special Committee's Scope of Work. 13
- B. Consultations with the Administering Powers, Visiting Missions and Commissions of Enquiry. 14-19
- C. Observation and Supervision of Elections and Plebiscites. 19-22
- D. Receipt of Petitions and Hearing of Petitioners. 23
- E. Meetings Away from Headquarters. 24

V. DECISIONS AND RECOMMENDATIONS OF THE GENERAL ASSEMBLY AND OF THE SPECIAL COMMITTEE OF A GENERAL NATURE CONCERNING DECOLONIZATION 25-41

- A. Recommendations for the Introduction of Constitutional and Political Reforms. 25-26
- B. Referral to the Security Council by the General Assembly and the Special Committee of Situations in Certain Non-Self-Governing Territories. 26

Pages

C. Recognition of the Legitimacy of the Struggle of Peoples Under Colonial Rule and of the Role of National Liberation Movements. 27-31

D. Activities of Foreign Economic and other Interests which Impede the Implementation of the Declaration in Colonial Territories. 31-33

E. Military Activities and Arrangements. 33-36

F. Requests to Specialized Agencies and other International Organizations. 37-38

G. Foreign Immigrants and Mercenaries. 38-39

H. Problems of Small Territories. 39-41

TABLES

I. List of Non-Self-Governing Territories Enumerated in General Assembly Resolution 66 (I) of 14 December 1946. 42

II. Territories placed under the United Nations Trusteeship System between 1946 and 1950. (Somalia included) 43

III. Preliminary list of Territories drawn in 1962 to which the Declaration on the Granting of Independence to Colonial Countries and Peoples applied. 44-45

IV. Membership of the Special Committee since its Establishment. 46

V. Trust and Non-Self-Governing Territories that have achieved independence since the adoption of Resolution 1514 (XV). 47-48

VI. Trust and Non-Self-Governing Territories that have become integrated or associated with independent States since the adoption of Resolution 1514 (XV). 49

VII. Territories listed as under Trust or Non-Self-Governing on 14 December 1975. 50-51

FIFTEEN YEARS OF THE UNITED NATIONS DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

I. BACKGROUND OF THE DECLARATION

From its inception the United Nations has regarded the question of decolonization as an important aspect of its purposes and functions. The Charter itself in Articles 1(2) and 55 has proclaimed the principle of self-determination of peoples while a further three Chapters are devoted to the question of dependent territories,1/ to the establishment of the Trusteeship system 2/ and to the creation of a supervisory body, the Trusteeship Council, 3/ which as a principal organ of the United Nations was entrusted with responsibility with regard to those Territories placed under Trust.

In particular the adoption by the San Francisco Conference of Chapter XI of the Charter entitled "Declaration Regarding Non-Self-Governing Territories" was a major landmark in bringing the administration of peoples and territories under colonial rule within the purview of the international community. By the terms of Article 73 4/ Member States recognize the principle that the interests of the inhabitants of those territories are paramount and accept "as a sacred trust" the "obligation to promote to the utmost" the well-being of the inhabitants. To that end they accept a series of commitments, specified in the Article, including the political, economic, social and educational advancement of the peoples of those territories, the development of self-government, and the regular transmission to the Secretary-General "for information purposes" of statistical and other information of a technical nature relating to economic, social and educational conditions in the territories for which they are responsible.

In spite of this provision the progress of Non-Self-Governing Territories towards independence in the period prior to the adoption of the Declaration on the granting of Independence to Colonial Countries and Peoples was a slow one,

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1/ Chapter XI.

2/ Chapter XII.

3/ Chapter XIII.

4/ For the full text of the article see below Annex I.

THE UNITED NATIONS

United Nations Plaza, New York, N.Y. 10017, U.S.A.

Founded in 1945 to maintain international peace and security and to develop international co-operation in economic, social, cultural and humanitarian problems.

ORIGIN

United Nations was a name devised by President
in D. Roosevelt. It was first used in the Declaration
ted Nations of January 1st, 1942, when representa-
f twenty-six nations pledged their governments to
e fighting together against the Axis powers.

United Nations Charter was drawn up by the
ntatives of fifty countries at the United Nations
ence on International Organization, which met at
ancisco from April 25th to June 26th, 1945. The
ntatives deliberated on the basis of proposals
l out by representatives of China, the U.S.S.R., the
United Kingdom and the United States at Dumbarton Oaks in August-October 1944. The Charter was signed on June 26th, 1945. Poland, not represented at the Conference, signed it later but nevertheless became one of the original fifty-one members.

The United Nations officially came into existence on October 24th, 1945, when the Charter had been ratified by China, France, the U.S.S.R., the United Kingdom and the United States, and by a majority of other signatories. October 24th is now universally celebrated as United Nations Day.

PURPOSES AND PRINCIPLES

irposes of the United Nations are:

aintain international peace and security;

levelop friendly relations among nations;

co-operate internationally in solving international
conomic, social, cultural and humanitarian problems
nd in promoting respect for human rights and
undamental freedoms;

e a centre for harmonizing the actions of nations in
attaining these common ends.

nited Nations acts in accordance with these principles:

s based on the sovereign equality of all its members.

members are to fulfil in good faith their Charter
obligations.

y are to settle their international disputes by
peaceful means and without endangering peace,
security and justice.

y are to refrain in their international relations from
the threat or use of force against other states.

y are to give the United Nations every assistance in
action it takes in accordance with the Charter, and
not to assist states against which preventive or
enforcement action is being taken.

e United Nations is to ensure that states which are
not members act in accordance with these principles
in so far as it is necessary to maintain international
peace and security.

Nothing in the Charter is to authorize the United Nations to intervene in matters which are purely the national concern of any state.

The official languages of the General Assembly are Arabic, Chinese, English, French, Russian and Spanish. The working languages of the UN Secretariat in New York are English and French.

Membership of the United Nations is open to all peace-loving nations which accept the obligations of the United Nations Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

The original members of the United Nations are those countries which signed the Declaration by United Nations of January 1st, 1942, or took part in the San Francisco Conference, and which signed and ratified the Charter.

Other countries can be admitted by the General Assembly upon the recommendation of the Security Council. A two-thirds majority vote by the Assembly is required.

Members may be suspended or expelled by the General Assembly on recommendation of the Security Council. They may be suspended if the Security Council is taking enforcement action against them or expelled if they persistently violate the principles of the Charter. The Security Council can restore its rights to a suspended member.

Desirous however of formulating promptly a widely acceptable final text of the draft Convention with a view to opening it for signature as soon as possible,

Decides:

1. To proceed, at its fourteenth session, to a discussion of the text of the draft Convention as formulated by the Committee on the Draft Convention on Freedom of Information,[9] established by the General Assembly in its resolution 426 (V) of 14 December 1950, giving special consideration to any new proposals that may be made;

2. To request the Secretary-General, in the light of the discussion in the Third Committee on this matter, to invite the Governments of States with which he communicated pursuant to General Assembly resolution 1189 A (XII) to transmit to him any comments, observations, suggestions, proposals or amendments concerning the text of the draft Convention on Freedom of Information and to report thereon to the General Assembly at its fourteenth session.

788th plenary meeting,
12 December 1958.

Resources

1314 (XIII). Recommendations concerning international respect for the right of peoples and nations to self-determination

The General Assembly,

Noting that the right of peoples and nations to self-determination as affirmed in the two draft Covenants completed by the Commission on Human Rights[10] includes "permanent sovereignty over their natural wealth and resources",

Believing it necessary to have full information at its disposal regarding the actual extent and character of this sovereignty,

1. *Decides* to establish a Commission composed of Afghanistan, Chile, Guatemala, the Netherlands, the Philippines, Sweden, the Union of Soviet Socialist Republics, the United Arab Republic and the United States of America to conduct a full survey of the status of this basic constituent of the right to self-determination, with recommendations, where necessary, for its strengthening, and further decides that, in the conduct of the full survey of the status of the permanent sovereignty of peoples and nations over their natural wealth and resources, due regard shall be paid to the rights and duties of States under international law and to the importance of encouraging international co-operation in the economic development of under-developed countries;

2. *Invites* the regional economic commissions and the specialized agencies to co-operate with the Commission in its task;

3. *Requests* the Commission to report to the Economic and Social Council at its twenty-ninth session;

4. *Requests* the Secretary-General to provide the Commission with the necessary staff and facilities.

788th plenary meeting,
12 December 1958.

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[9] *Official Records of the General Assembly, Seventh Session, Annexes,* agenda item 29, document A/AC.42/7, annex.

[10] *Official Records of the Economic and Social Council, Eighteenth Session, Supplement No. 7* (E/2573), annex I.

* * *

Other decisions taken by the General Assembly on the recommendation of the Third Committee

Draft International Covenants on Human Rights (item 32)

At its 788th plenary meeting on 12 December 1958, the General Assembly approved the recommendation of the Third Committee[11] that the Assembly, at its fourteenth session, should give priority to the consideration of the draft International Covenants on Human Rights.

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[11] *Official Records of the General Assembly, Thirteenth Session, Annexes,* agenda item 32, document A/4045, para. 92.

Res. 1469 - 12 Dec 1959 - Alaska &
Hawaii removed from list of N.S.G.T. -
One year after Res. 1314 above

See 1464 - 12 Dec 1959 Cessation of information [illegible] and during its early years a great deal of the United Nations efforts were directed towards establishing its role as the principal guardian of colonial peoples. Only in the 1950's did the principle become established, though against the opposition of most administering Powers, that it was for the United Nations to decide ultimately whether a given Territory was or not self-governing within the meaning of Chapter XI of the Charter. Of the seventy-four territories listed as non-self-governing in General Assembly resolution 66(I), 5/ eight became independent during the 1946-1959 period, 6/ while transmission of information was discontinued with respect to twenty-one others 7/ for a variety of reasons mostly related to constitutional changes in the relationship between the administering Power and the Territory in question. In some cases like those of Puerto Rico, Greenland, the Netherlands Antilles and Surinam, Alaska and Hawaii the General Assembly adopted resolutions accepting the cessation of the transmission of information while in others, such as the French territories and Departments in the Caribbean, the South Pacific and the Indian Ocean, the decision was taken unilaterally by the administering Power without the subsequent approval of the General Assembly. On the other hand

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5/ See Table I; the list was based on the replies sent by Member States to a letter from the Secretary-General requesting them to enumerate the Non-Self-Governing Territories under their jurisdiction on which they would transmit information under Article 73(e) of the Charter.

6/ They were: Cambodia and Laos (1953) (listed in 1946 as French Indochina), Ghana (1957), Guinea (1958) (listed as part of French West Africa), Indonesia (1949) (listed as Netherlands Indies), the Federation of Malaya (1957), Morocco (1956) and Tunisia (1956).

7/ They were in chronological order: the Panama Canal Zone (1947), Guadeloupe, French Guiana, Martinique and Reunion (1947), New Caledonia, French Settlements in Oceania and St. Pierre et Miquelon (1947), Malta (1947) (transmission of information was resumed in 1959), French Establishments in India (1948), Puerto Rico (1953), Greenland (1954), Netherlands Antilles and Surinam (1955), French West Africa, French Equatorial Africa, Madagascar, the Comoro Archipelago and French Somaliland (1957). The latter two were reinstated in the list of non-self-governing territories in 1965 and 1972 respectively (see page 13 below).

Reinstated in the list of NSGT.

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AL AND GOVERNMENT
ICATIONS DIVISION

Mary-Ann Mills

April 30, 1982

ALASKANS FOR INDEPENDENCE
P.O. BOX 7
FAIRBANKS, ALASKA 99707

Mr. Joe Vogler
Box 40
Fairbanks, Alaska 99707

Dear Mr. Vogler:

We have received your letter of April 19, 1982, concerning the wording of section 10 (a) of H.R. 7999, 85th Congress, 1st Session.

We are unable to provide you with an explanation for the change in wording-the deletion of the phrase "prior to Alaska's admission into the Union." As you can see from the enclosures, Report No. 624 did include this wording while H.R. 7999 did not-although the two items were reported out together on June 25, 1957. We did not locate documents that provided an explanation to this discrepancy.

The University of Alaska, Elmer E. Rasmuson Library in Fairbanks has been a government depository library since 1922. You may wish to contact their reference staff to assist you in your future research for government documents.

Sincerely yours,

Agnes Ferruso

Agnes Ferruso
Head, Government Publications
Serial & Government Publications
Division

8 44 [illegible]
8 61 S.10. "Prior to Alaska Admission into the U...

85TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
No. 624

PROVIDING FOR THE ADMISSION OF THE STATE OF ALASKA INTO THE UNION

June 25, 1957.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. O'BRIEN of New York, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 7999]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of H. R. 7999, introduced by Congressman O'Brien of New York, is to provide for the admission of the State of Alaska into the Union. Before reporting H. R. 7999, the Committee on Interior and Insular Affairs of the House of Representatives carefully considered six additional Alaska statehood bills introduced during the 85th Congress. These bills included Delegate Bartlett's (Alaska) H. R. 50; H. R. 628, introduced by Congressman Engle; and H. R. 849, introduced by Congressman O'Brien of New York; each providing for the admission of the Territory into the Union. Two bills, H. R. 340, introduced by Congressman Mack, of Washington, and H. R. 1242, introduced by Congressman Saylor, would enable the people of Alaska to form a constitution and State government and to be admitted into the Union on an equal footing with the original States. Finally, Congressman Saylor introduced H. R. 1243, which would place Alaska and Hawaii in the same bill and permit the two Territories to seek statehood jointly. This bill was similar to H. R. 2535, which received lengthy and careful hearings during the 84th Congress.

H. R. 7999 was reported by the Committee on Interior and Insular Affairs following 16 days of hearings. In addition, a special subcommittee composed of 8 members held 3 weeks of hearings in Alaska during September and October 1955.

A NEW APPROACH TO ALASKA STATEHOOD

H. R. 7999 will enable Alaska to achieve full equality with existing States, not only in a technical juridical sense, but in practical economic terms as well. It does this by making the new State master in fact of most of the natural resources within its boundaries, and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

(2) All provisions of the act of Congress approved .... reserving rights or powers to the
(date of approval of this act)
United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people.

If the foregoing propositions are adopted, the State constitution approved by the voters of Alaska on April 24, 1956, shall be deemed amended accordingly. If the propositions are rejected, the provisions of this act shall cease to be effective. In due course the Governor shall certify the results to the President.

Subsection (c) provides that following the receipt of the Governor's certification the President shall issue his proclamation announcing the results of the election; thereupon, the State of Alaska shall be deemed admitted to the Union.

Pending this admittance, all officers of the Territory, including the Delegate in Congress, shall continue in office. Following the admittance proclamation the Governor shall certify the election of the Senators and Representative all of whom shall be entitled to their seats in the Congress of the United States.

Subsection (d) provides that upon admission of Alaska to statehood, all laws of the United States shall have the same force and effect within the State as in other states in the Union.

Section 9 provides that the State of Alaska shall be entitled to one Representative in the United States House of Representatives, until the taking effect of the next reapportionment, and that such Representative shall be in addition to the present membership. It further provides that such temporary increase in membership shall neither increase nor decrease the permanent membership of the House of Representatives as established by the act of November 15, 1941. ?

? Section 10 (a) provides that the President may establish, prior to Alaska's admission into the Union, one or more national defense withdrawals in Alaska, which withdrawal or withdrawals may be terminated at the will of the President.

Subsection (b) provides that said national defense withdrawals shall be confined to those portions of Alaska that are situated to the west and north of the following line:

> Beginning at the point where the Yukon River crosses the international boundary between Alaska and Canada; thence downstream along a line parallel to, and 1 mile from, the right bank of the Yukon River, to the point of

See P 104 – for Sec. 10

intersection of the Yukon River with the meridian of longitude 158° west of Greenwich; thence north to the parallel of latitude 65° north, thence westward along said parallel to its intersection with the meridian of longitude 169° west of Greenwich.

Subsection (c) reserves to the United States exclusive jurisdiction over, as well as sole legislative, judicial, and executive powers within, such defense withdrawals. The laws of the State of Alaska shall not apply to areas within defense withdrawals while such areas remain subject to Federal exclusive jurisdiction but this exclusive jurisdiction shall not prevent the execution of any process, civil or criminal, of the State upon persons found within the withdrawal. This subsection also provides that such exclusive jurisdiction shall not prohibit the State from enacting and enforcing election laws.

Subsection (d) provides that during the time in which Federal exclusive jurisdiction is being exercised nothing contained in this subsection is intended to limit the authority of Congress in legislating in the matter of jurisdiction, nor to limit the authority of the United States District Court of Alaska, nor to limit any other authority vested in Congress. It provides, however, that the laws of the State or Territory relating to the organization, powers, or laws of municipalities or local political subdivisions shall not be adopted as laws of the United States.

Subsection (e) provides that nothing contained in subsection (d) shall limit Federal exclusive jurisdiction, the authority of Congress to implement exclusive jurisdiction, the right of persons to vote at all elections held within political subdivisions, the jurisdiction conferred upon the United States District Court for the District of Alaska, or any authority otherwise vested in Congress or the President.

Section 11 (a) retains Mount McKinley National Park under Federal ownership and control, but gives the State of Alaska the usual rights to serve civil and criminal processes and to levy State taxes on private business and persons within the park area. Residents in the park will be given the right to vote.

Subsection (b) reserves to the United States the power of Congress to exercise exclusive jurisdiction, as provided by article I, section 8, clause 17, of the Constitution of the United States, over areas owned by the United States and held for military or Coast Guard purposes. Regardless of the manner in which said areas were acquired, the following provisos apply: (i) The State of Alaska shall always have the right to serve civil or criminal processes, (ii) the right of exclusive jurisdiction shall not prevent the State from exercising over such lands, concurrently with the United States, any jurisdiction which it would have without such reservation of auof a territorial statute claimed to have that effect. In re Mackay, Sup. Ct. Op. No. 279 (File No. ABA 8), 416 P.2d 823 (1965).

Enactment of legislation in conflict with Statehood Act.—The only constitutional method by which there can be enacted legislation which is in direct conflict with the Statehood Act is the approval by the people of the State of Alaska of such federal legislation. 1969 Op. Att'y Gen., No. 6.

Congress does not have the authority to enact Indian legislation in Alaska which will override the Statehood Act because of the "supremacy clause" principle. 1969 Op. Att'y Gen., No. 6.

Quoted in 1969 Op. Att'y Gen., No. 6 (Supp.).

House of Representatives membership.

SEC. 9. The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such representative shall be in addition to the membership of the House of Representatives as now prescribed by law; *Provided,* That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U. S. C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

See P. 61 for Report of Committee of Interior

HR624

National defense withdrawals.

SEC. 10. (a) The President of the United States is hereby authorized to establish, by Executive order or proclamation, one or more special national defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

(b) Special national defense withdrawals established under subsection (a) of this section shall be confined to those portions of Alaska that are situated to the north or west of the following line: Beginning at the point where the Porcupine River crosses the international boundary between Alaska and Canada; thence along a line parallel to, and five miles from, the right bank of the main channel of the Porcupine River to its confluence with the Yukon River; thence along a line parallel to, and five miles from, the right bank of the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160 degrees west of Greenwich; thence south to the intersection of said meridian with the Kuskokwim River; thence along a line parallel to, and five miles from the right bank of the Kuskokwim River to the mouth of said river; thence along the shoreline of Kuskokwim Bay to its intersection with the meridian of longitude 162 degrees 30 minutes west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 57 degrees 30 minutes north; thence east to the intersection of said parallel with the meridian of longi-

What happened to.
"Prior to Alaska's Admission into the Union" ?
as set out in HR624.?

tude 156 degrees west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50 degrees north.

Jurisdiction.

(c) Effective upon the issuance of such Executive order or proclamation, exclusive jurisdiction over all special national defense withdrawals established under this section is hereby reserved to the United States, which shall have sole legislative, judicial, and executive power within such withdrawals, except as provided hereinafter. The exclusive jurisdiction so established shall extend to all lands within the exterior boundaries of each such withdrawal, and shall remain in effect with respect to any particular tract or parcel of land only so long as such tract or parcel remains within the exterior boundaries of such a withdrawal. The laws of the State of Alaska shall not apply to areas within any special national defense withdrawal established under this section while such areas remain subject to the exclusive jurisdiction hereby authorized: *Provided, however,* That such exclusive jurisdiction shall not prevent the execution of any process, civil or criminal, of the State of Alaska, upon any person found within said withdrawals: *And provided further,* That such exclusive jurisdiction shall not prohibit the State of Alaska from enacting and enforcing all laws necessary to establish voting districts, and the qualification and procedures for voting in all elections.

(d) During the continuance in effect of any special national defense withdrawal established under this section, or until the Congress otherwise provides, such exclusive jurisdiction shall be exercised within each such withdrawal in accordance with the following provisions of law:

(1) All laws enacted by the Congress that are of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable within the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title, shall apply to all areas within such withdrawals.

62 Stat. 683.

(2) In addition, any areas within the withdrawals that are reserved by Act of Congress or by Executive action for a particular military or civilian use of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any other areas within the withdrawals shall be subject to all laws enacted by the Congress that are of general application to lands withdrawn for defense purposes of the United States.

(3) To the extent consistent with the laws described in paragraphs (1) and (2) of this subsection and with regulations made

Proclamation 5143 of January 3, 1984

Alaska Statehood Day, 1984

49 F.R. 557

By the President of the United States of America

A Proclamation

The Territory of Alaska was admitted to the Union on January 3, 1959, as the forty-ninth State. In the twenty-five years since then, the sturdy inhabitants of our largest State have continued with distinction the work of developing this vast storehouse of abundant resources, while preserving its special environment. As a result of their efforts, Alaska now produces one-eighth of the Nation's gold, one-fifth of its petroleum, and two-fifths of its harvested fish. Ten of the sixteen strategic minerals vital to our Nation's security are produced in Alaska. The millions of dollars worth of minerals, forest and food products, and energy resources produced each year have long since repaid many times over the $7,000,000 paid by the United States to purchase Alaska in 1867.

The people of Alaska constitute a special resource, one which has made possible the wise use of all the other abundant resources of this important State. Native Alaskans and immigrants from every State, as well as foreign countries, have worked together to build the cities, pipelines, rail, water, air, and ground transportation facilities which are the basis of Alaska's prosperity. Their hard work and dedication are an example to the rest of our people as we work to maintain America's greatness.

In recognition of the importance of Alaska's people and its scenic and natural resources to the United States and in honor of the twenty-fifth anniversary of the admission of Alaska into the Union, the Congress, by Senate Joint Resolution 42, has authorized and requested the President to proclaim January 3, 1984, as "Alaska Statehood Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim January 3, 1984, as Alaska Statehood Day and call upon the people of the United States and the Federal, State, and local governments to observe that day with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of Jan., in the year of our Lord nineteen hundred and eighty-4, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

OUT OF PRINT

REVIEW OF

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CONDITIONS

UNIVERSITY OF ALASKA INSTITUTE OF SOCIAL, ECONOMIC AND GOVERNMENT RESEARCH VOL. IV NO. 6

NATIVE LAND CLAIMS

Two of the most important issues in Alaska today are the Native land claims and the resulting "land freeze" imposed by the Secretary of the Interior. The question of land ownership has an obvious impact on the economic growth of the state. Since most of the natural resources in Alaska have yet to be developed, the decision as to who has title may affect the overall pace and direction of economic development.

Native groups, asserting their "right" to own, develop and manage lands their ancestors have "used and occupied since time immemorial," have submitted claims covering approximately 290 million of Alaska's 375 million acres. The Natives are asking both for full title to the lands they claim and for compensation in the form of monetary settlements for lands already taken from their claim areas. In filing these claims, Native groups have stressed the importance of owning ecological areas supporting their villages and have been adamant in their belief that, in the long run, the state will enjoy a greater prosperity if the Natives, rather than a public agency, develop these areas.

While some of the Native claims were first filed over 30 years ago, the majority were recorded in a snowballing action that saw large areas claimed in the latter part of 1966 and in the early months of 1967. In December of 1966, Secretary of the Interior Stewart Udall halted action on the disposal of all public lands in the state to which Natives claimed "aboriginal possession" based on use and occupancy. Since the claims cover much of the most valuable unappropriated land in Alaska, most land disposal in the state was affected. Some state officials predicted serious losses in oil and gas revenues would result from the freeze and charged that natural resource development in the state would be slowed to a standstill.

Secretary Udall told state officials he was legally bound to impose the freeze because of a congressional guarantee (made in 1884) that Alaska Natives would not be disturbed in their use and occupancy of lands. The secretary said he would lift the freeze when Congress passes a bill defining the rights of the Native claimants, a process Alaska's congressional delegates estimate would take from two to five years. Two bills concerning land claims were introduced in Congress by October of 1967, one prepared by the Interior Department and the other by the Alaska Federation of Native Associations (now the Alaska Federation of Natives).

The Native claims and the freeze are highly controversial and have both political and moral overtones. Almost any statement made about either issue could justifiably be followed by . . . "however, the opposing viewpoint is . . ." There is heated disagreement over definition of terms; impact of previous court decisions; why the land freeze was imposed; what compromise, if any, can be reached, etc. So far there has been little "middle ground" on which all parties involved can agree.

The possibility of a compromise arose during the October 1967 meeting of the Alaska Federation of Natives. The state and the Natives agreed to make an attempt to work together on a mutually acceptable bill to present to Congress. Hearings on the two land claims bills already before Congress are scheduled to be held throughout Alaska during the winter of 1967-68. Discussion during these hearings may further clear the way to agreement and compromise.

NATIVE PROPERTY RIGHTS

Aboriginal possession (sometimes called Indian Title) is the historic first source of Indian property rights. The right of Natives to use and occupy land their ancestors held dates to the discovery of the American

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continent. It was the accepted policy among the European nations claiming land in America that discovery was equated with conquest. Each sovereign made provisions for the Natives to use and occupy land they held at the time of discovery, but the sovereign claimed exclusive title to the land. It was only the sovereign who could give title to the Natives, and it was only the sovereign who could extinguish title to lands claimed by the Natives.

This exclusive right of the sovereign to the land was understood and adopted by the United States Congress, as is evident in the many treaties made with the Indians. In effect, the treaties gave Indian groups ownership of certain portions of land while extinguishing their "title" to other areas they had used or occupied.

The most famous case dealing with aboriginal possession was decided by the United States Supreme Court in 1823. The decision in the case of **Johnson v. McIntosh** was handed down by Chief Justice John Marshall and is the basis for all aboriginal possession cases today. Marshall held that while the fact of their being there gave Natives a legal and just claim to possession of the soil, tribes did not enjoy and could not convey complete title to the land because of the fundamental principle that "discovery gave exclusive title to those who made it." This decision placed upon the United States government the burden of granting title to Natives or extinguishing it.

In a discussion of aboriginal title, **Federal Indian Law**, prepared under the auspices of the Department of the Interior, comments:

> Cases and opinions subsequent to the McINTOSH case oscillate between a stress on the content of the Indian possessory right and a stress on the limitations of that right. These opinions and cases might perhaps be classified according to whether they refer to the Indian right of occupancy as a 'mere' right of occupancy or as a 'sacred' right of occupancy. All the cases, however, agree in saying that the aboriginal Indian title involves an exclusive right of occupancy and does not involve an ultimate fee title.

Proving aboriginal use and occupancy can be an involved process, as is evident by the number of court cases decided for and against Native claimants. The r obvious difficulty is that aboriginal use of land di from "use" in the contemporary sense of the term. Na hunting, trapping and fishing grounds are not mar by fences, signs or mapped boundaries that could taken as proof of occupancy. Since ultimate title to pu land rests in the United States government, Cong must first officially recognize aboriginal use before st toward full title can be taken.

BASIS OF ALASKAN NATIVE LAND CLAIMS

Alaskan Native groups are seeking full legal title or compensation for, the land they claim, as distinguis from a mere possessory interest which they now hol the sufferance of the sovereign (i. e., the United St Congress). Their legal arguments for land title are ba on private international law (as embodied in aborigi possession); the 1867 Treaty of Cession; the Act of 18 which brought civil government to the territory; Statehood Act; and past court decisions honoring Ind claimants.

Treaty of Cession: In 1867, Russia ceded Alaska the United States for $7,200,000. The original price v $7 million, but an additional $200,000 was agreed to af Russia added a clause guaranteeing title to the land the United States. This title guarantee had far-reachi effects, for it has been argued that the Russian Czar, sovereign, had the power to extinguish Indian Title. The fore, the argument maintains, when he guaranteed ti to the United States, he did, in fact, extinguish all Nati rights to land. This argument is hotly contested by torneys for the Native claimants who hold that the ex $200,000 guaranteed title only against the Russian Ame can Company and was not applicable to Natives.

Article 3 of the treaty made the "uncivilized tribe of the territory wards of the government:

> The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal rights of that country.

This wardship, as interpreted by several courts, e tended to the protection of Native property rights. F example, in **United States V. Berrigan** (1905), the cou said:

> The uncivilized tribes of Alaska are wards of the government. The United States has the right, and it is its duty to protect the property rights of its Indian wards.

Act of 1884: For 17 years after the United States pu chased Alaska, scattered military posts represented th only government. During this period, the United State did not sign treaties with the Alaskan Natives becaus there were no serious hostilities, and the Natives "were too little known." In 1871, Congress prohibited further treaty-making with Indian tribes, so Indian Title in Alaska was never formally extinguished by treaty. The Act of 1884 brought civil government to Alaska and protected Native land rights in strong language:

> Indians or other persons in said district (Territory of Alaska) shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.

Congress has passed legislation whereby individual Natives or a Native village may gain title to limited tracts of land. However, there has never been congressional definition of what was meant by "use and occupation," hence the vast claim areas of today. Although 83 years have passed since Congress passed this act and several courts have ruled on its intention, there is still disagreement over whether the Act of 1884 "recognized" Indian Title in Alaska.

Statehood Act of 1958: The Constitution of Alaska protects the Natives' right or title to land with the stipulation that this right would be defined in the act of admission (Statehood Act). However, the Statehood Act did not further define the term, leaving the problem to Congress.

The section of the Statehood Act protecting Natives' land rights reads:

> As a compact with the United States, said State and its people do agree and declare that they forever disclaim all right and title . . . to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts . . . or is held by the United States in trust for said Natives; that all such lands or other property, belonging to said Natives, shall be and remain under the absolute jurisdiction of the United States until disposed of under its authority.

Major court decisions resulting from land claims in Southeastern Alaska are highly contradictory in their interpretations of both the Treaty of Cession and the Act of 1884. An early case decided by the Ninth Circuit Court of Appeals in San Francisco (**Miller v. United States**, 1947) held that the Treaty of Cession extinguished Indian Title based on aboriginal occupancy, but that the Act of 1884 created a statutory species of Indian Title. A later decision by the United States Supreme Court (**Tee-Hit-Ton v. United States, 1955**) held that neither the Act of 1884, nor any other act of Congress passed thus far, constituted recognition of Indian Title or created any special title for Natives. Therefore, aboriginal interests in land in Alaska were found not to be protected by the Fifth Amendment, which prevents the taking of property by

Present Methods of Acquiring Title

Congress has passed several pieces of legislation intended to provide legal means for Natives to acquire title to land in Alaska. Mainly because their application was too limited, none of the bills resulted in a successful solution to the overall land rights problem. Generally the bills failed to accomplish even what they intended, either because funds were not made available to carry out the purpose of the laws, or because personnel were not available to make the Natives aware of their rights under the laws.

NATIVE ALLOTMENT ACT: The Native Allotment Act of May 17, 1906, empowered the Secretary of the Interior to allot no more than 160 acres of non-mineral land to any Alaskan Native of full or mixed blood who was either head of a family or 21 years old. Land secured under this act is both nontaxable and inalienable (i. e., it cannot be sold without permission from the Secretary of the Interior or his representative).

Before 1930, the Bureau of Land Management interpreted the provisions of this act in a liberal manner. A Native could gain ownership of his fish camp site, hunting and trapping sites, berry camps, etc., so long as the total acreage did not exceed 160 acres. Nor was the Native required to "prove up" on his allotments, as the white man had to do under the Homestead Act.

However, after 1930 the BLM began tightening control of Native allotments, until they were "generally limited to homesites or a single piece of cultivated land." Since the agricultural life did not fit the Native mode and much of the land was more fitted to trapping than farming, few Native allotments were filed. It has only been since 1965, when the regulations were liberalized at the urging of U.S. Sen. E. L. Bartlett, that allotments could be secured piecemeal in four 40-acre tracts and for purposes in keeping with the Native way of life.

Although there are almost 50,000 Natives in Alaska and the act has been in effect since 1906, there are fewer than 500 Native allotments recorded with the BLM today. The past failure of the act has been attributed to the tightening of provisions; the fact that little money was appropriated for the necessary surveys, claim investigations and recording work necessary; and the lack of personnel in existing agencies to handle the task of explaining the Native Allotment Act to the Natives.

1926 TOWNSITE ACT: The 1926 Townsite Act was designed to give Natives title to small acreages on which they had their homes. The legislation included provisions from the general townsite act of 1891, but made it possible for Natives to obtain restricted deeds to the lots they were occupying. Restricted deeds were authorized to safeguard the Native who might not be aware of the value of his land or the laws regulating land tax, mortgages, etc. Under a restrictive deed the title rests with the Native, subject to a restriction against alienation or taxation.

In 1953 Congress authorized the Secretary of the Interior or his representative to issue unrestricted deeds to the Native owners of restricted deed property. The owner must first petition for a change of status. Then the area director for the Bureau of Indian Affairs determines, by the informal method of asking various Native leaders, if the applicant is "competent". Once competency is established, the deed may be changed. Apparently the BIA has never denied the competency of any applicant and the requirement is considered a mere formality.

RESERVATIONS: In 1936 the provisions of the Indian Reorganization Act were extended to Alaska. Under these provisions, the Secretary of the Interior was given authority "to designate as an Indian reservation any area of land which has been reserved for the use and occupancy of the Indians and Eskimos . . ." The stipulation was that 30 per cent of the area residents had to vote for the reservation by secret ballot. Shortly after the bill became law, Secretary of the Interior Ickes proposed setting up 100 new reservations in Alaska.

The reaction was violent, Commenting on the reservation policy in UNITED STATES v. LIBBY, McNEIL & LIBBY, the court said in 1952:

> *". . . it is no exaggeration to say that nothing since the purchase of Alaska has engendered so much ill feeling and resentment as the Department's reservation policy . . . Whatever may be said in justification of reservations in the unsettled regions of Alaska, they are viewed as indefensible in Southeastern Alaska, and generally condemned by whites and Indians alike as racial segregation and discrimination in their worst forms."*

The Secretary of the Interior still has the power to create reservations, but is not (some say "will not") doing so. Although a few Native leaders have indicated that reservations would solve the land rights question, most react as strongly against the idea today as they did in the 1940's.

the government without due process of law and compen-ation.

A more recently decided case, **Tlingit and Haida In-lians v. United States,** has been the subject of much dis-greement over whether the findings can be applied to ie entire state or must be confined only to the Tlingit nd Haida claimants.

The case came about after the United States govern-ient in 1907 appropriated a large area of land in South-istern Alaska for the Tongass National Forest. In 1935, ongress passed a special act allowing the Tlingit and aida Indians of that region to sue the United States. ne Natives brought suit for compensation for 20 million res of land. In 1947 and 1959, the United States Court Claims issued initial decisions holding that the Indians ere entitled to compensation. In September of 1966, the ommissioner of the Court of Claims recommended that e Indians be paid some $16 million for the market value the land and for the exploitation of the lands by non-dians prior to the takings. The attorney for the Tlingit d Haida Indians criticized the amount as inadequate, d the final settlement is still pending.

The court held that the Indians had owned all of itheastern Alaska by way of Indian Title and that this nership survived the Treaty of Cession, public domain 's and laws of general application relating to home-ids, mining claims, etc. The Indians were not given to the lands in question because the Tongass Na-al Forest Proclamation had expropriated them. The clamation constituted an extinguishment of Indian e by Congress.

The impact of the Tlingit-Haida case on other land m cases in Alaska is a matter of dispute. W. C. Arnold, horage attorney and author of a January 1967 booklet, **ve Land Claims in Alaska,** commented:

> is difficult or impossible to read the decision of the urt of Claims in TLINGIT AND HAIDA without con-iding that counsel for the government were either eep at the switch or resting on their oars. In some pects, the case hardly rises to the level of an adver-y proceeding.
>
> ctically all lawyers familiar with the Indian litigation o had occasion to examine the act authorizing the suit re of the opinion that it did not create any right against United States which did not exist before and did not ply that Congressional recognition found essential and king in TEE-HIT-TON.

A different opinion is offered by Frederick Paul, le attorney representing the Arctic Slope Native iation:

> text in any Alaskan situation and Native rights is INGIT AND HAIDA INDIANS v. UNITED STATES. court . . . had benefit of able counsel on both sides. While the attitude of the United States, as such, has been beneficial toward Indians, the Department of Justice has done its best to protect the United States Treasury. Were it not for the Tongass National Forest Proclamation, the Southeastern Indians would still own Southeastern Alaska, disregarding actual patents issued by the United States, which certainly must be regarded as 'a taking' by the United States. Using this criterion of the Tlingit and Haida case, the balance of the interior of Alaska is still owned by the respective aboriginal groups there, again disregarding actual patents issued by the United States.

Alaska's attorney general has stressed that the Tlingit-Haida decision resulted from a special act of Congress.

> Whether or not the court in that case misinterpreted the rights created or recognized by that act is immaterial to all other Native claims in Alaska, which will have to stand and fall on their own merits or upon future legislation to be passed by the Congress.

William Hensley, Kotzebue legislator and chairman of the land claim committee of the Alaska Federation of Natives, holds the opposite view.

> The court in the Tlingit-Haida case adopted the view that the treaty of Cession did not extinguish the use and occupancy title of the Tlingit and Haida, nor were any rights held by these Indians arising out of their use and occupancy extinguished. Are those of us not Tlingits and Haida any different? Most of Alaska is today Indian Title land and has not yet been declared 'taken,' as was the Tlingit and Haida Land.

ALASKA NATIVE LAND CLAIMS: AN OLD STORY

There is nothing new about Natives claiming land in Alaska. Southeastern Alaskan Native groups have run the court gauntlet off and on for the past 30 years, and a few Interior Alaska groups have blanket claims dating from the 1940's.

Prior to 1946, Indian claims arising in the United States could be adjudicated by the Court of Claims, providing that Congress authorized this action for specific tribal cases. In 1946, Congress passed the Indian Claims Commission Act with the intent of settling all Native claims. However, the commission was authorized to hear only claims accruing prior to August 13, 1946. Claims accruing prior to 1946 and not presented to the commission before 1951 could not ". . . therefore be submitted to any court or administrative agency for consideration nor will any claims thereafter be entertained by Congress."

This limitation would obviously have presented special difficulties for contemporary Alaskan cases, but, on May 24, 1949, Congress passed another act enlarging the jurisdiction of the Court of Claims to include any Indian claim accruing against the United States after August 13, 1946 – thus reopening the door for Alaskan claims.

Several Southeastern Alaskan Native claims were filed with the Indian Claims Commission. These filings, plus the Department of the Interior hearings on aboriginal rights in Alaska (for the towns of Hydaburg, Klawock and Kake), aroused wide interest in Native land rights in the mid-1940's.

> . . . No matter has come before the Alaska public in years which has occasioned so much discussion, public and private, and which has aroused so much controversy. . . .

So read a statement by E. L. Bartlett, delegate to Congress for the Territory of Alaska in 1944. For several years, there also was agitation by the Association on American Indian Affairs, a non-profit lobbyist group for Indian rights headquartered in New York City, calling for filings in Interior and Northern Alaska. The Bureau of Indian Affairs played a part in encouraging the filing of claims to protect Native land rights, but was handicapped by lack of personnel. For many years there was only one BIA realty officer assigned to the entire state.

Concern over Native land rights culminated in blanket claims covering most of the state in 1966-67. Native leaders say these filings resulted from the section of the 1958 Statehood Act which granted Alaska the authority to select 103 million acres from "vacant, unappropriated, unreserved" lands.

When the state began its selection program, the Bureau of Land Management offices in Alaska made an attempt to check Native allotments and titles to ascertain what lands Native groups were actually using and occupying. However, no general investigation was made of land Natives may have thought they had a right to – yet the Statehood Act also protected, in principle, Natives' "right" to lands.

The result was that much of the land selected by the state, with the approval or tentative approval of the BLM, was in areas that Native groups have hunted, trapped or fished in varying intensity "since time immemorial." Native leaders became increasingly vocal in their concern and began taking the only action open to them – filing claims to areas of use and occupancy.

The increase in filings that began early in 1966 started n Interior Alaska. A Bureau of Indian Affairs official gave an interesting reason for the timing of the filings. He said hat a strong rumor within the Bureau that the Secretary of the Interior might not accept further claim assertions caused a flurry of activity by the BIA to process claims before a cut-off date was announced. Also in March of 966, the Tanana Chiefs Conference, representing villages along the Yukon and Tanana Rivers, began to encourage heir members to file blanket claims.

One factor that cannot be ignored was the growing wareness by the Natives of their political strength. Adult Natives comprise about one-fifth of the voting population and 1966 was an election year. Political candidates spent xtra days visiting the far-flung Native villages, and their stands on the land claims issue made headlines. Land rights proved the cohesive that pulled the several Native associations in the state together, and, in October 1966, the groups met in Anchorage to form a statewide association. A land claims bill was drawn up at this meeting and subsequently submitted to Congress. (Land rights was not the only matter of concern to the association, and active committees were formed on such subjects as education, health and employment.)

THE LAND FREEZE

Secretary of the Interior Udall has said he suspended action on land disposal protested by Native groups because suspension has been a long-time practice of the Interior Department in such cases. On December 21, 1966, the BLM state director received a letter from Washington stating, ". . . the Department's program continues to be to suspend only those actions and types of actions which are protested. . . ."

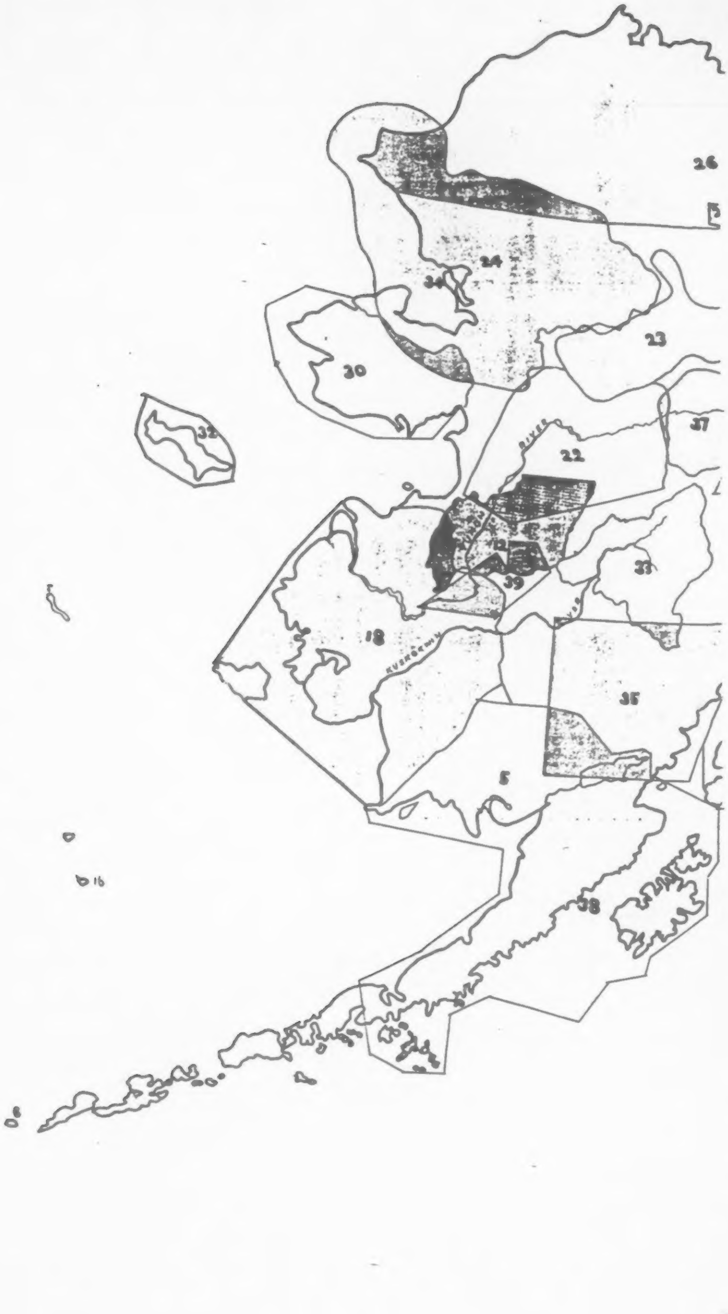
Secretary Udall further clarified his stand in a letter to Alaska's Governor Walter Hickel in August of 1967:

> In the face of the Federal guarantee that the Alaska Natives shall not be disturbed in their use and occupation of lands, I could not in good conscience allow title to pass into others' hands . . . Moreover, to permit others to acquire title to the lands the Natives are using and occupying would create an adversary against whom the Natives would not have the means of protecting themselves, or even know of their legal rights.

Attorneys for the Interior Department met with state and Native leaders in May of this year to discuss the legal background for the freeze. Several officials who attended this meeting have claimed that the federal attorneys could not give authoritative reasons for the legality of the freeze, and many hold the opinion that the freeze was the result of a policy decision rather than a legal obligation.

Because of the increasing importance of the petroleum industry to Alaska's economy, the land freeze brought predictions of hard times ahead for the state. Before the freeze was initiated, the state received revenues from leases on federally administered lands, from state owned lands and from lands to which the state had not yet received patent but to which they had gained "tentative approval" (the next step being title). The freeze did not directly affect federal lands already under lease nor did it affect state-owned lands, including tidal and submerged lands. However, it did stop further leasing of federally administered lands and tentative approval lands, thus cutting off these sources of revenue.

At the time the freeze was imposed, the state had applied for 17.8 million acres, had obtained tentative approval to 7.9 million acres and had been granted patent to 5.2 million acres. This was in addition to the tide and sub-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RIVER
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12
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KUSKOKWIM
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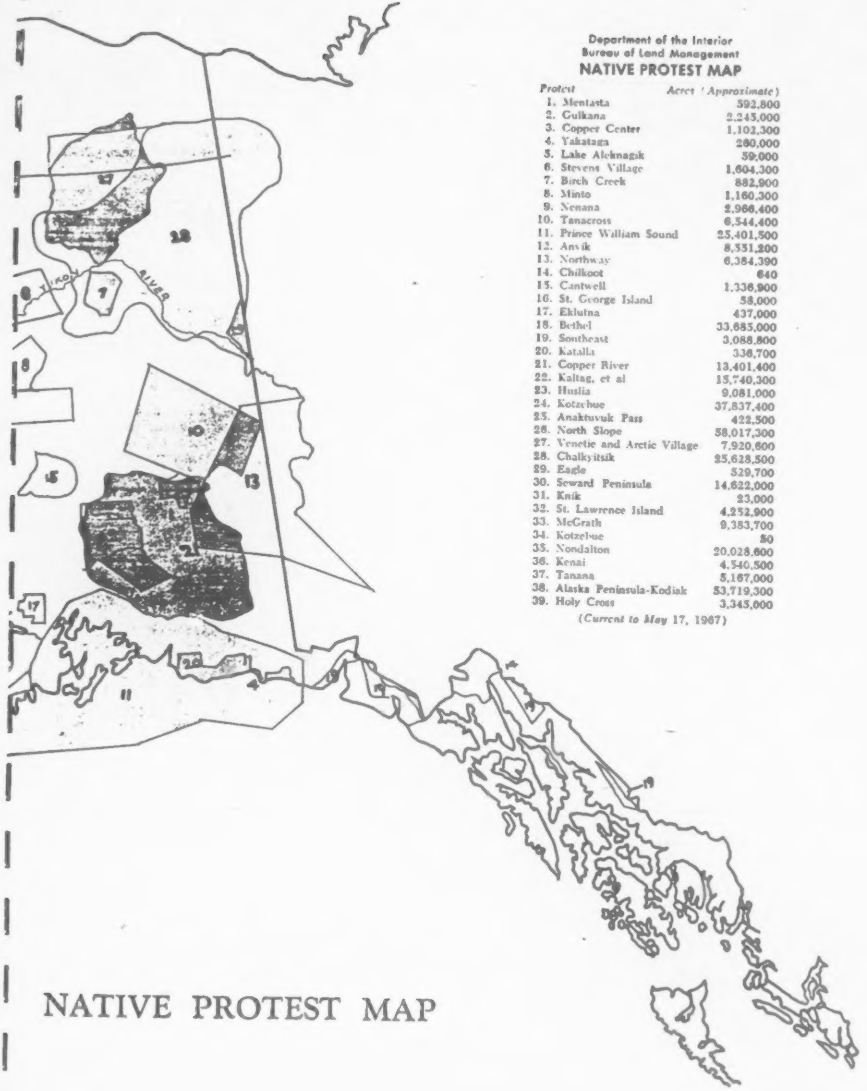
Department of the Interior
Bureau of Land Management

NATIVE PROTEST MAP

Protest	Acres (Approximate)
1. Mentasta	592,800
2. Gulkana	2,243,000
3. Copper Center	1,102,300
4. Yakataga	280,000
5. Lake Aleknagik	59,000
6. Stevens Village	1,604,300
7. Birch Creek	882,900
8. Minto	1,160,300
9. Nenana	2,966,400
10. Tanacross	6,544,400
11. Prince William Sound	25,401,500
12. Anvik	8,331,200
13. Northway	6,384,390
14. Chilkoot	640
15. Cantwell	1,336,900
16. St. George Island	58,000
17. Eklutna	437,000
18. Bethel	33,683,000
19. Southeast	3,088,800
20. Katalla	336,700
21. Copper River	13,401,400
22. Kaltag, et al	15,740,300
23. Huslia	9,081,000
24. Kotzebue	37,837,400
25. Anaktuvuk Pass	422,500
26. North Slope	58,017,300
27. Venetie and Arctic Village	7,920,600
28. Chalkyitsik	25,628,500
29. Eagle	529,700
30. Seward Peninsula	14,622,000
31. Knik	23,000
32. St. Lawrence Island	4,252,900
33. McGrath	9,383,700
34. Kotzebue	80
35. Nondalton	20,028,600
36. Kenai	4,540,500
37. Tanana	5,167,000
38. Alaska Peninsula-Kodiak	53,719,300
39. Holy Cross	3,345,000

(Current to May 17, 1967)



NATIVE PROTEST MAP

merged lands which became state property under the Statehood Act. So far the major source of state income has been from bonus bids in the competitive leasing of tide and submerged lands and from oil and gas royalties from Cook Inlet production. Since neither of these sources are affected by the freeze, these revenues are secure.

Recently the Department of Natural Resources stated that the state had suffered an estimated $1,250,000 loss because of federal oil and gas leases offers that were cancelled because of the freeze (the state receives 90 per cent of the rental lease on federal lands). The estimate of lost revenues included a figure of $450,000 lost on new lease offers which have been suspended and $800,000 in revenues from land which the department claims would have been re-leased.

The history of leasing in Alaska has shown that 20 to 25 per cent of the federal leases are dropped or expire each year. These leases have been replaced by enough new leases to keep the level fairly stable. Under the freeze, with virtually no new federal leases being issued to replace those dropped, the acreage under federal lease has dropped from approximately 10 million in May of 1966 to about 7.8 million at the end of May 1967. It was this loss of more than two million acres that resulted in a revenue loss to the state of about $1 million in one year. However, some observers of the petroleum industry suggest this drop might have occurred even without the complications of the freeze as investor interest in oil leases fluctuates greatly from year to year.

The importance of oil and gas revenues was reflected during the first session of the 1967 state legislature when a projected $10 million in bonus bids from competitive leasing was included in the new budget. Some legislators predicted that if the land freeze continued, this bonus money would be lost and the only solution to the deficit would be the eventual raising of state taxes.

This prediction has already been proven erroneous. In a July lease sale of mostly offshore land in the southern Cook Inlet area, the state received a record $19 million in bonus bids.

Actual effect of the freeze on future oil and gas development is open to conjecture. Presently the freeze is stimulating drilling on some federal leases, especially in the Alaska Peninsula. This increased activity has resulted because the federal leases in this area will be the first to expire and oil companies want to eliminate these areas from their list of prospects before the expiration dates do so automatically. If production is developed on a federal lease-hold, the lease is automatically renewable and therefore not subject to the restrictions of the freeze. Present indications are that the only districts in which oil company activity is actually slowing down

Past Recommendations to The Interior Department

The problem of Alaska Native land rights has haunted the Department of the Interior for years, and there has been no shortage of recommendations on how to deal with the issue. The Department of the Interior bill now before Congress incorporates recommendations made as early as 1944. The bill even more closely follows recommendations made in 1962 by a specially appointed three-man task force.

1944 ABORIGINAL RIGHTS HEARINGS: In 1944, Richard H. Hanna acted as examiner for the Interior Department in hearings on Native land claims for the towns of Hydaburg, Klawack and Kake. At the end of these hearings, the examiner reached the following "conclusions of law":

1. Occupancy necessary to establish aboriginal possession of land by an Indian tribe, band, or individual Indian is a question of fact.

2. Lands included in the ancestral home of Indians, in the sense that they consituted definable territory occupied exclusively by them, are lands to which they have "Indian Title" until same is extinguished by Congress.

3. The policy of the government to respect the aboriginal possession of land by Indians applies to land ceded by Russia under the Treaty of 1867 with the United States.

4. An Indian aboriginal claim to land will be recognized although it has no basis in any treaty, statute, or other formal government action.

5. Intent of Congress to extinguish Indian title through statutory enactment is not to be lightly implied, all doubts in the construction of the statute being resolved in favor of the Indians.

6. The policy of the United States in dealing with Indians has been to accept the subdivision of the Indians into such tribes or bands as the Indians themselves adopted and to treat with them accordingly.

RECOMMENDATIONS: In connection with his findings and conclusions, the examiner made the following recommendations:

1. That the Department of the Interior shall adequately respect all aboriginal rights of use and occupancy of the Indians, bands or tribes which have not been extinguished or abandoned, and, so far as possible, refrain from leasing, recognizing homestead locations or granting other rights to non-Indians until title is first extinguished.

2. That appropriate legislation be recommended to Congress by the Secretary to authorize thorough investigation of the extent of lands, waters or rights, lost of the Indians by wrongful taking of the same; the survey of such lands and waters and apprisal thereof to determine the amount of damage resulting therefrom, as well as the present value of such lands, waters and rights should the Congress elect to extinguish all such rights upon payment of adequate compensation therefor by the United States.

3. That Congressional action failing for the correction of the present situation, the Secretary of the Interior shall set aside for the bands of Indians here involved and other bands, who may be similar circumstanced and choose to join with them, a reasonable portion of the area claimed by them where continued use and occupancy is shown.

4. That such protection of said Indians take into consideration their present economic situation and their present numbers, and be a consideration for the cession and release of all aboriginal rights to the larger areas claimed or to be claimed by other Indians, under approval, by affirmative votes, of a majority of each tribe involved.

TASK FORCE REPORT: In December of 1962, a three-man task force submitted a report to the Secretary of the Interior concerning Native problems in Alaska. Concerning land claims, an Interior Department news release dated March 5, 1963, stated: "Some of the lands claimed by the Indians, Eskimos, and Aleuts have already been selected by the state and the Department of the Interior has been faced with the problem of deciding whether to comply with the state's request and transfer title to it, or to wait until Congress acts to define Native rights more precisely." The task force suggested a number of steps for resolving this controversy. These include:

- —granting individual Natives the title to home sites and hunting and fishing sites;
- —withdrawing small acerages in the vicinity of the Native villages for their future growth and development;
- —establishing Native hunting and fishing privileges in larger areas;
- —setting up a special tribunal in which to consider Native claims for lands taken from them by others in the period since 1884;
- —Congress should prescribe a definite period of time in which to adjudicate Native claims so that the state land selection program will not be indefinitely postponed.

The task force's land recommendations were sharply critized by the Association on American Indian Affairs, mainly because there was no recommendation that the Natives be compensated for the land taken from them, nor was any mention made of mineral rights on Indian Title lands.

in the Copper River Basin and along the Gulf of aska shoreline – and activity in these areas may have wed without the freeze. However, if the freeze con- ues over a period of years, gaps will occur in potential lling blocks in these and other areas that could de- ess future exploration in Alaska.

OTHER LAND DISPOSAL CASES

The freeze affects all land disposal cases situated claim areas, including state selection, final action homesteads, homesites, trade and manufacturing es, power and airport sites, road right of ways, mining ims, etc. Regarding these cases, Secretary Udall has id: "When there is a specific showing that actual con- uction of a road, school, airport or other public fa- ity is being held up solely because of transfer of public ds or an interest therein, we will make every effort to e it ad hoc consideration. We have in a few cases ught the views of the protesting Native groups and the y has been cleared for the construction of the facility to ceed."

During the first half of 1967, the state made use of s waiver-right by asking village councils for permission use state money to build or improve airports, schools, spitals or roads for the town. In mid-summer, Alaska's orney general advised state departments to cease the actice of obtaining waivers from Native groups because considered the practice "contrary to law and policy." e attorney general said that "in the future, if proposed provement projects by the state are thwarted by the deral government's failure to clear title in reliance upon tive claims, the state administration will halt the project d take its case to the public rather than to obtain ivers."

Individuals homesteading in claim areas have had tents delayed because of the freeze, but in most in- nces this delay is not expected to last the life of the eze. Commenting on this aspect, Secretary Udall wrote vernor Walter Hickel: "When an individual has com- ed with the public land laws and regulations of the partment and invested time and money in land and med equitable title prior to a general Native protest iming aboriginal Native rights to the lands in the area an individual case, the patent may be issued. This will t apply in areas of intensive Native use . . . or in a se where a protest is received against a proposal to ue a particular patent."

While Secretary Udall claims legal obligation as the ason for the freeze and the Native groups look on it as a tural consequence of a federal promise to protect their aim areas, there has been a public charge that rtisan politics was at least partially responsible for the action. Proponents of this viewpoint point out that the freeze was imposed by Secretary Udall, a leading Demo- crat, shortly after Alaska's first Republican governor was sworn into office and that these same claims were al- lowed to lay dormant during the Democratic state ad- ministration. Supporters of the partisan-politics theory claim the freeze was imposed as a punishment to a here- tofore Democratic state that had voted Republican. Na- tive groups have answered this charge by saying that before 1966 claimants never received help from attorneys who could afford to spend time on the filings and that before 1966 the claims had not reached state-wide pro- portions. The Native groups believe that the land freeze forced the state administration to cooperate in finding a solution to the land rights question and that without the freeze the state would have shown no such willing- ness to work out a compromise.

ALASKA FEDERATION OF NATIVES BILL

In an attempt to define the land claim question, two bills have been submitted to Congress, one prepared by the Department of the Interior and one by the Alaska Federation of Natives. The Federation bill, introduced in Congress on June 26, 1967, includes several points drafted into the Minto Bill, a land claim proposal drawn up in 1962 but never introduced into Congress.

In 1951 the Minto Village Indians, along with several other Native groups, filed a petition with the Department of the Interior asking for hearings to determine their land boundaries. The petitions asked that the lands they claimed be reserved under a section of the Townsite Act. The hearings were never granted, and, after statehood, a large portion of the land in question was included in an application for selection by the state. In 1962, the Bureau of Land Management director in Fairbanks dismissed the protest against state selection of land in the Minto area. The Minto Bill, drawn up after this action, authorized the U.S. Court of Claims to "hear and determine the land claims of the Native Village of Minto and to authorize the Secretary of the Interior to conduct a long-range economic feasibility study of the Minto lands . . . ." The bill gave the Court of Claims jurisdiction to award both monetary compensation for lands taken and title to lands claimed by the Natives. All claimed lands to which the Natives could not prove aboriginal use and occupancy would have continued as public domain.

The Minto Bill was never introduced because the state, Minto, and Association of American Indian Affairs representatives never reached agreement on its content. More important, the contemplated jurisdiction to the Court of Claims for awarding title was considered of questionable constitutionality by some members of the drafting committee. Historically, the Court of Claims has awarded only compensation for lands taken.

The so-called "Anchorage Bill" was approved at the first meeting of the Alaska Federation of Native Associations in October 1966. This bill also gives the U.S. Court of Claims jurisdiction to "hear, examine, adjudicate and render judgment in any and all claims" which the Natives of Alaska have against the United States. The Anchorage Bill, like the Minto Bill, gives the court jurisdiction over both monetary compensation for lands taken and the granting of land title.

Regarding third party title holders, the bill provides that the court, "if it determines that the Natives of Alaska had Indian Title to such lands so disposed of, shall render judgment on behalf of the Natives of Alaska for such amount as the court shall find to be the fair market value of such lands."

INTERIOR DEPARTMENT BILL

The Department of the Interior land bill is based on the premise that Indian Title in Alaska was extinguished by the Treaty of Cession and, therefore, Alaskan Natives do not now have a legal compensable title. However, if Congress passes a bill recognizing their aboriginal title as of 1867, the Natives, with the consent of Congress, may sue for compensation as of that year for lands taken from them. At the same time, the Department holds that since the Natives have had use of the land for so many years, they should be given title to certain portions of this land, again with the consent of Congress. This position underlies the reasoning behind establishing land values as of 1867 in determining compensation for lands taken from Native claim areas and also explains why the bill limits Native title to only certain portions of land.

The main points of the Interior Department Bill are as follows:

1) The Secretary of the Interior is authorized to grant, in trust of the various groups of Natives, title to the village sites they occupy and such additional lands around these sites as will contribute significally to the livelihood of the Natives. No group may receive more than 50,000 acres.

2) Natives may be given 25-year exclusive or non-exclusive hunting, fishing and trapping permits on any federal lands, subject to state fish and game laws.

3) Title to the lands granted for village sites may be held in trust for 25 years either by the secretary, by a trustee selected by the Native group with approval of the secretary, or by the State of Alaska or other trustee selected by the secretary. The trustee may manage, subdivide, and dispose of the lands. In land disposals, the right of first refusal must be given to the occupant. Title to a tract that is conveyed to a Native will be held in trust, not subject to taxation, in accordance with laws presently applied to Native townsites. At the end of 25 years, the trust must be liquidated in accordance with the terms of the trust.

4) Lands withdrawn by the secretary for the Natives will not be subject to state selection. Lands not withdrawn will be subject to state selection regardless of Native use and occupancy claims.

5) In view of the fact that Natives are claiming much larger areas than the department's bill would grant to them, the bill permits the state to initiate an action in the Court of Claims on behalf of the Natives to recover the value of the additional lands from the United States. The bill allows for only one claim representing all Natives as a single group. Value of the lands will be determined as of March 30, 1867, the date Alaska was purchased by the United States.

6) The bill authorizes an appropriation of not more than $12 million to pay the costs involved in conveying land to Native groups.

THE STATE'S POSITION

The state's position is that Native land claims are based on a moral right, reinforced by the Act of 1884, but that further congressional legislation is necessary to implement this moral right and give the claims legal basis.

Governor Hickel has taken the stand that regardless of the legal basis of the claims, they are founded on sound historical and strong moral grounds and should, therefore, be recognized by Congress. The governor has said the claims should be settled "equitably and promptly" and has promised the political support of the state in speeding up congressional action.

The governor met with Native leaders several times at the beginning of 1967 in an attempt to prepare a land claim bill acceptable to all parties. However, when it was learned that the Interior Department was also working on a bill, the governor held off on his proposal, which included three main points:

1) Immediate title in fee simple, including, all surface and subsurface rights, given to Native communities for land the communities occupy and also for surrounding lands which might be used for expansion purposes in the foreseeable future.

2) Surface rights to large areas of land around the villages for hunting, trapping and fishing purposes.

3) Jurisdiction to the U.S. Court of Claims to decide moentary settlements for lands to which Natives can prove aboriginal title. Value of land would be set at the time of taking rather than 1867.

The state has taken the position that while the Inteior bill contains "many worthwhile features," it does not go far enough in meeting the Natives' demands and goes too far in restricting the scope of compensation and in creating a "bureaucratic empire." The portions of the bill granting land to Native communities have the full support of the state, but there is disagreement with the choice of 1867 as the determining date for the value of land taken.

Alaska's attorney general has said that the state believes that a California case has set a precedent for taking the date of statehood as the date of evaluation and that the state would be prepared to support such a date. The state administration is also opposed to those provisions which "perpetuate" and expand control by the Department of the Interior over Native lands.

The Tyonek Story

Five years ago the Moquawkie Indians of Tyonek Village were a destitute people. The Secretary of Interior, astute attorneys and the good luck of oil-rich land have changed the picture. Today Tyoneks are the Cinderellas of Alaska.

The rags to riches story of the Tyoneks sets no legal precedents for the land claim situation in Alaska, but it does point up the inconsistencies of federal and state attitude toward Native land claims.

In 1908 and 1915 the federal government, by executive order, withdrew a total of approximately 26,000 acres of land from the public domain to establish school facilities for the 25 families of Tyonek. The 1908 order reserved land "for educational purposes", and the 1915 order reserved land "for the use of the U.S. Bureau of Education". Neither order gave the Tyoneks a permanent or compensable interest in the withdrawn land.

Tyonek is located across Cook Inlet from Anchorage. In the late 1950's, the northwest shoreline of Cook Inlet became a key area for oil exploration and it was foreseen that oil exploration might take place within the reserve.

A December 28, 1962 task force report to the Secretary of the Interior included this comment on the Tyonek Reserve:

> *". . . there is a question of whether this area is susceptible to the usual leasing procedures for public domain land . . . If it should be determined that the Reserve lands are public domain the State can retain 90 per cent of the profit from leasing . . . On the other hand, if Congress should grant the Tyonek Village mineral rights to this area, the entire income could be credited to the village, which at present contains about 150 Indians."* (*Actually about 250.*)

The task force recommended that the Department of Interior "as custodian of federal properties and trustee of the Indians" should lease the reserve for oil prospecting and place the income in escrow.

The Secretary took this advice and made arrangements to lease. This was done without consent of the Natives, and the Tyoneks brought suit in court against the director of the Bureau of Indian Affairs. The suit was (later) dropped after a Solicitor's opinion held that the Tyonek's land was a reservation for the purposes of a 1927 mineral and oil leasing act. Thus, the Tyoneks could lease their lands and use the money for their own benefit. Congress never was ordered to act on this matter, and the State of Alaska never protested the Solicitor's opinion.

The approximately $13 million the Tyoneks received from the leasing is now budgeted by the Secretary with the Tyoneks handling the funds through an advisory committee. It is worthwhile to note that so far the money has been used to improve the village and has been otherwise invested in Alaskan enterprises and statewide Native undertakings.

Since the Tyonek case was never decided in court, it can hardly be used as a precedent in the general land claim picture.

At the same time, the state finds the Native-proposed bill "unacceptable," especially that portion which gives the Court of Claims the right to adjudicate fee title to the claimants. The state claims this authority would leave title to vast areas of the state up in the air for a period of at least five to perhaps as much as 25 or 30 years – however long it may take for the Court of Claims and eventually the Supreme Court to resolve individual cases.

Another objection is that the bill leaves open the time within which claims may be filed and then decrees that thereafter, while any claim is pending, there can be no disposition under any of the public land laws, including the Alaska Statehood Act. The state says this stipulation would mean a perpetuation of the land freeze for at least 25 years, the complete drying up of oil and gas activity, mineral activity, the building of roads, airports, hydroelectric and other power sites, and the complete stoppage of all development in Alaska based on land.

The state strongly opposes the land freeze and, contending that the action is illegal, filed suit in the U.S. District Court on Feb. 10, 1967, seeking a declaratory judgment that Native claims may not hold up the state land selection program. The test case named two tracts of land selected by the state in the Nenana claim area near Fairbanks. The United States filed a motion to dismiss, but this motion was denied in early October 1967, clearing the way for a trial on the merits of the case.

The state has also appealed directly to the Native claimants to support the state's request for a lifting of the freeze, arguing that because a few isolated claims may have been ignored by the federal government in the past, this would not happen again with most of the state covered by claims and the state administration actively supporting the Native cause.

The state contends that the land freeze, in an indirect way, suggests that the state government is fradulent – that the governor would betray his promise to see that the land claims issue is settled "equitably and promptly" once the freeze is lifted. If the freeze were lifted, the state would continue to select land, but not, the administration says, around villages or in areas where title would be granted to the Natives under a congressional bill. Also, the state has promised to actively participate, through its own land disposal program, in the creation of large tracts of fee title land around Native communities, supplementing federal disposal.

THE NATIVES' POSITION

The Natives' position, as reflected in the Anchorage Bill, is that Indian Title survived the Treaty of Cession and their land rights are based in law, therefore title and compensation ought to be forthcoming, regardless of any "moral rights" they may have.

Native spokesmen have objected strongly to the Interior Department Bill, calling it "totally unacceptable." They dislike the additional power the bill gives to the secretary, to the trustees and to the state, over land they may gain title to, and they also object to one claim covering the multitude of claims. They vehemently oppose the section that would determine land values as of 1867, especially since compensation for the Tlingit and Haida Indians was based on land values in the 1900's.

Native leaders have taken the position that title to lands they have used and occupied is necessary to maintain the traditional way of life and that at the same time the land and resources are necessary in order for the Native people to move into the contemporary mainstream. They argue that compensation for lands taken from them would be used for resource development – and that with this combination of lands and revenues, their villages would become economically viable and thus able to contribute to the development of the state.

Natives resent allegations that their claims are impeding the development of the state and point out that their inability to gain title in past years has cost the state and federal government more in welfare money (because without title they were unable to develop their lands) than the present claims will ever cost. They are also resentful of the fact that in the past the Interior Department has established more wildlife reserves in some areas of Alaska than it has reserves for the Native people.

The Tanacross Village claim, filed in the early 1940's, again in 1961 and a third time in 1963, illustrates the position of many of the smaller Native groups.

> We the people of Tanacross Village do here now place our blanket claim for the land in this area. There are 21 families living in our village. No one in the village is employed year around and only two men have been able to find part time work this summer. Some of the older people get aid but they still must get part of their food from this land to be able to survive.
>
> There are 37 trap lines, 9 fish camps, 12 berry camps and the complete area we have claimed is used for hunting caribou, moose, ducks and for trapping. Our first blanket claim was sent into the Bureau of Land Management in the early 1940's but it seems no one has a record of this claim. So we the Tanacross Indian people do once again claim this land as ours.
>
> We have not had the opportunity to receive an education which would enable us to share equal employment openings, therefore we must have the land needed to at least be able to feed and clothe our families and to see our children gain the education they must have.

Native leaders claim there is little danger that gaining title will "freeze" the Native people into the traditional way of life which today means a subsistence economy. Instead they see land ownership as one of the keys to a brighter economic future and thus are determined to press for an acceptable solution.

CONCLUSION

Protection or wardship of Native-use areas has continued for the 83 years since the Act of 1884 spelled out federal policy for Native land rights. The question of whether the Natives, who became increasingly sophisticated, were in need of or wanted such protection was never resolved. Native land rights might have remained in congressional limbo—except for the vast land claims filed by Native groups in 1966-67. With so much of the state under claim or protest, the federal and state governments could no longer ignore the existence of the title problem.

The land claims are an indication of the increasing independence of the Alaska Natives and of their growing disenchantment with the government's philosophy of wardship. This movement has been gathering momentum for the past several years, but never has had the force and direction that it does today. Therefore, a congressional bill defining Native land rights will affect not only the economic development of the state, but also the social development of the Native peoples.

Although the Alaskan Federation of Natives finds the Interior bill "totally unacceptable" and the state administration finds the federation bill "unacceptable," there is sufficient common interest in the development of the state and the Native peoples to give promise that satisfactory legislation can be worked out and the land freeze issue resolved.

Native Land Claims

In an effort to assure that all views were adequately reflected in this article, drafts were reviewed by the following persons:

- Roscoe Bell, Director, State Division of Lands
- William Boesch, Research Assistant to U.S. Senator E. L. Bartlett
- Edgar Boyko, Attorney General, State of Alaska
- Clifford Groh, Attorney for Native Claimants
- William Hensley, Representative from Kotzebue, Alaska State Legislature
- Phil Holdsworth, Commissioner, Alaska Department of Natural Resources
- Barry Jackson, Attorney for Native Claimants
- Charles Luce, Under Secretary, Department of the Interior
- Frederick Paul, Attorney for Native Claimants
- John Roderick, President, Petroleum Publications, Inc.
- Lewis Sigler, Assistant Legislative Counsel, Department of the Interior
- Burton Silcock, State Director, Bureau of Land Management
- O'Dean Williamson, Realty Officer, Bureau of Indian Affairs

Although the Institute is solely responsible for the completed publication, comments and opinions of the above persons were taken into consideration and their help is appreciated.

Draft

PRESENTATION TO THE WOMEN REVERENDS ON MARCH 19, 1988, in ANCHORAGE, ALASKA

BY: MARY ANN MILLS

Women of God, Elders, and guests, my name is Mary Ann Mills. My native ancestory is Dena'ina Indian. Thank you for inviting me here today.

A couple of years ago a friend of mine, a Haida from Southeast, told me about the time he and an elder of his tribe met with a professor. The professor asked this elder if he believed in Darwin's theory. The elder did not know Darwin's Theory, so the professor explained the theory of how man evolved from monkies. Observing a smile of amusement on the old man's face, the professor then asked the elder what he thought of Darwin's Theory. After a moment the elder said, 'that's okay if he comes from a monkey, but I, come from the Raven.' This story shows the various diversities among people, and it is a~~n~~ good example of; 'I'm okay - your okay.'

The Dena'ina - or Dena Tribes establishes it's way back to the natural governance that comes from the initial coding of DNA. Our history cycle begins From the First Beginning When The Animals Were Talking.

In the Traditional Dena'ina principles of regulation, the clans would compete to see who could come up with the best way to help people. Traditional Dena'ina laws are not all arbitrary and were established for us to gracefully perpetuate our genetic investments. Traditional Dena'ina laws are good laws - concerning such things as: Subsistence, which are compacts between humans and animals. The individual responsibility of sharing, such things as food, shelter, knowledge, ideas, and so forth; Spirituality, which includes the spiritual world, a Spiritual Enabler, and the spirituality of all living things: Respect, and proper behavior, so as not to offend anything or anybody; And good wihses to all creatures and the luck received from them in return. The tribes did not depend on other countries, and they liked to think for themselves.

So are the ways of the traditional Dena'inas'; passed down to us from the ancient times.

Other ancient writings regarding regulation of land can be found in the Bible.

Leviticus 19:33 - 35 says: "When an alien resides with you in your land, Do Not molest him. You shall treat the alien who resides with you no differently than the Natives born among you; have the same Love for him as for yourself; for you too were once aliens in the Land of Egypt."

Leviticus 25:23 says: "The land shall not be sold in perpetuity; for the land is mine, and you are but aliens who have become my tenants."

Deuteronomy 19:14 says: "you shall not remove your neighbor's landmarks erected by your forefathers in the heritage you receive in the land which the Lord, your God, is giving you to occupy."

Proverbs 22:28 says: "Remove not the ancient landmark which your fathers set up."

And; Hosea 5:10 says: "The princes of Judah have become like those that move a boundary line: Upon them I will poor out my wrath like water."

Proclaimed by the United States on June 20, 1867 was the Treaty of Cession, which also became known as Seward's Folly. This treaty between Russia and America involved the sale of trading rights and Russian forts, and stated that native tribes "...shall be maintained and protected in the free enjoyment of their liberty, property, and religion."

The Alaska Natives were never captured as Nations in war, and the Alaska Native were not a party to the treaty.

On January 17, 1950, the respected Felix S. Cohen wrote a compassionate letter to then President Harry S. Truman. In his letter he said: "I thought the most incisive observation made at our conference on civil rights legislation this afternoon was your observation that our country's leadership in the democratic world depends upon our granting to our own minorities the rights we ask other nations to grant to their minorities. Your statement strengthens my confidence that you will give your full support to Oscar Chapman in his efforts to protect the land rights of our most - oppressed national minority, the natives of Alaska. You know how seriously assaults on the property rights of our oldest minority can prejudice our world position, especially when they occur in our show-room for the Eastern Hemisphere, within sight of Siberia."

He went on to say; "The modest steps taken by the Secretaries Icks, Krug, and Chapman to protect the land rights of native communities in Alaska, in conformity with acts of Congress and international treaty obligations, have naturally aroused bitter attacks from predatory and monopolistic interests, especially in the canning and mining industries. But when attacks come from men who consider themselves liberals and friends of the Alaskan natives, it becomes important that you make clear the administration's position of respect for native property rights." Mr. Cohen concluded, "What may be done to compensate these natives for losses they have suffered in the past years is a wholly different problem--one that you and Congress have wisely referred to an Indian Claims Commission. What is vital to our national honor, ... is that the still remaining possessions and rights of our Alaskan natives should be scrupulously protected."

The original goals of the Alaska Natives in the Alaska Native claims settlement movement boiled down to one issue: Land. The Alaska Natives wanted to protect traditional lands and be able to continue with the subsistence way of life.

Al Ketzler, Sr. in "Alaska Natives Land Claims", is quoted: "your grandfathers and mine left this land to us in the only kind of deed they knew...by word of mouth and our continued possession. Among our people this deed was honored just as much as if it was written and signed by the President of the United States. Until recent years, a man's honor was the only deed necessary. Now things have changed. We need a legal title to our land if we are to hold it."

In 1966 Stewart Udall, then Secretary of Interior, froze state land selection and construction of the oil pipeline, until the Native land question was settled.

February 1968, Al Ketzler, Jr., in giving testimony said: "We are essentially a people to whom land comes first. We are its children; we have emotional ties to it that we can never forget, even down to the generations that no longer live in the old way. It is a basic part of our identity - it makes us feel who we are and without it we have been cut off and bewildered."

A "fair" land claims settlement act was not the motivation of (Special Colonial interests" Congress, the State of Alaska, or corporate interest. The pressure was on to rapidly expidite a land claims settlement, as it became the key that would unlock the door of the flow of Prudhoe Bay oil, and development in Alaska.

Officials of the Department of Interior, during this Nixon/ANCSA (Alaska Native Claims Settlement Act) era, were taking money or bribes from the oil companies who were then eager in the leasing oil lands. (America: The Second Century, PBS, channel 7, 10:00 a.m., March [illegible], 1988). Congress was very much against any form of tribal government.

Though, it is not clear where the corporate structure for the land claims came from, sources say it first emerged in a report by then Govenor Wally Hickle, and was carried through the various fazes. Found in some old 1971 Tribal Council minutes, a gentleman who wanted to help the Natives said: "Mr. Hickle passed an order that nothing would be done for the Alaska Indians unless they went through his desk and he viewed it personally." (he could never get an appointment w) Mr. Hickle.

For the most part, most Alaska Natives were not informed about the Alaska Native Claims Settlement Act, and not all natives were happy. (Tundra Times Dec. 17, 1971). Most Alaska Natives had very little, if any, knowledge of the laws that governed or protected them, and sources say certain laws were with-held from the

Alaska Natives.

A few informed and perceptive natives expressed concern that this corporate idea was becoming too complex, and feared it would be too complicated because corporate form was completely foreign and against tradition to the majority of Alaska Natives. Some natives felt this corporate form would only benefit a few natives - those who would control the corporations. They feared this corporate form could bring forth greed, even among our own, as well as dissension between tribes, village corporations, regional corporations -- and worse - the ultimate destruction - family member against family member. Some natives felt what was being proposed to us by the government and attorneys was an act of termination.

Shortly before the land claims act became law, the Alaska Federation of Natives (AFN), was bustling with politicians, attorneys, corporate, and other interest-groups, all hungry for one thing or another. This was a very hard time for some, if not all, of our native negotiators. The proposed settlement act was so complicated, and the money AFN had borrowed was almost gone.

In the final months before the passage of the Alaska Native Claims Settlement Act, the Alaska Federation of Natives sent about 20 representatives to testify in Washington, D.C., at the invitation of our federal government. The government kept delaying when our leaders were supposed to testify, and eventually cancelled them all together.

This was a crushing blow to many of our native leadership as this was the last trip they would be able to make to Washington, D.C. - AFN was then financially broke. Politicians, federal officials, and attorneys were telling our leaders that 'this was probably the best bill the natives could ever hope to get, and probably the last time Congress would be so generous.'

This became the theme some Native negotiators took at the December 17 - 18, 1971 AFN meeting on the campus of the Alaska Methodist University. The original legislation (ANCSA) they had worked so hard on was so distorted in the final version by the legal process in D.C., that lobbyist Charlie Edwardson, Joe Upicksoun, and the attorneys of the Arctic Slope Native Association decided they could not support it.

Five hundred seventy-six Alaska Natives voted on this bill, with Joe Upicksoun, voting for the Arctic Slope Native Association dissenting. Of these 576 Native representatives voting, probably only a very few understood this settlement act. The rest of the Alaska Natives had no vote.

In the December 17, 1971 Tundra Times, Harry Carter, then AFN Executive Director, sends a special message. "The settlement of our land claims is simply the granting of a paper title to that which we already own and a payment of 'money' to that which is taken from us. Before us lies many other problems in the protection of our human rights. The right of land ownership must be preserved for our children's children throughout the future and the money belongs to all our people for all time... History tells us that greedy people will try to take our belongings from us. The disguises of friendship, assistance, cooperation, and political commitments must be unveiled and our own people educated to assume the responsible functions of management and trust." He went on to say: "Communications and good public relations has been poor because we have not had adequate money or staff..."

We can also see in John Sackett's summary of the December 17, 1971, Tundra news paper Times, just the day before ANCSA became law, how ill informed and ill prepared we were to assume this complicated settlement. Headed under the title of Rural Natives Need To Understand Claims, Mr. Sackett said: "As the claims settlement draws to a final settlement, it becomes necessary for all natives, and especially for the natives living in rural Alaska, to understand how the claims will affect them in their daily lives.

In the past due to the great problem of poor communication, poor educational backgrounds, and great distances to cover, it has been difficult to transfer the affects of what is occuring in the cities to the villages..." (end of quote)

Refering to ANCSA in Thomas Berger's Village Journey, (a report of the Alaska Native Review Commission): Tommy [illegible], of [illegible] said: "This like cancer. We got something we didn't want. We're just sitting around 'til doomsday in 1991.": Sam George, of Akiachak testified: "The U.S. government ignored the mere existence of our tribal governments and ignored proper procedure of having an official representation from the tribal government view point...The Federal Government should have dealt with tribal governments rather than the individual activists at that time." Jonathon Solomon, of Fort Yukon said: "If anybody is to represent a Native Fort Yukon Native Village Council, he must have a resolution by the Native Council or a letter from the Chief. And I guarantee you, none of those negotiators, or those who negotiated the Native Land Claims, had a piece of paper saying they were to represent the Fort Yukon Native Council, because they didn't have a resolution or a letter from the chief."

The following are excerpts from the testimonies of some of our Elders in the Cook Inlet Region, as recorded in Our Stories, Our Lives. Mr. Otto Thiel Sr. stated on ANCSA. "...it's the Lawyers' Retirement Act, is what it is. And that's what the attorneys all over the West Coast, Washington D. C., and Alaska call it laughingly -- the Lawyers Retirement Act. Because there's lawyers, whole firms, that don't do nothing but represent Native corporations and villages. And they wind up with all the money."

Mr. Bill Pete of Tyonek stated on ANCSA: "Well, they just wrote it on paper. And they told me to sign this. So I signed it. I asked them what it was for, and they told me, "You're gunna get lots of money. I never did get lots of money out of that, far as I know...They told us you sign this paper and you're going to get lots of money an lots of land. I never did see one square foot of land out of that deal, for myself."

Mrs. Elsie Sanders Crestwell of Kenai said; "We figured Natives was entitled to what they took away from them in Kenai. You know all our hunting grounds, where we camped, where we fished, where we got berries --- that's been all taken away from the Kenai people. They have nothing.

Now they have to go and buy a piece of ground for $10,000. And it was ours from the start. I mean for nothing we had that. You know, that's wrong what they done to the people. They should never have done that..."

Mr. Shem Pete of Susitna Station, who now resides in Tyonek speaks... "My brother, they make him chief. And they want to make me chief. But I give up. I don't want it. I told them, "The white man's good enough now."

"But them days, them other days, why, the Natives they do their ways. Now we got the judge and marshals. They told us the way they wanted it. But the way before was the way we wanted to live in.."

"I told them.."the white people do the plans. They tell us "Do that and do this! Not this way. Not this way...I'm not going to be good chief. I won't go for that."

In the December 1977 Treaty Council News, Raymond Neakok a well known spokesperson from the Inupiat Village of Barrow, maintains that "ANCSA came alive in 1968 when they found oil on the North Slope." He says, "We were never consulted. My people, especially the old people, can't understand what the hell they're talking about with these corporations of ANCSA. This corporation deal was foarced on our people because somebody got bought." (end of quote)

In reality the Federal Government gave our land to "for-profit" corporations.

Shortly after the passage of ANCSA, there appears to be collusive efforts by a few members of the Alaska Federation of Natives to destroy AFN and to create an

Alaska Federation of Natives, Incorporated. This effort is documented by a letter dated October 19, 1972 to Willie Hensley, then President of AFN, from Tony Smith. This letter, which is self explanatory, is attached to this presentation. Tony Smith is now Commissioner of Commerce which regulates corporations.

It is ironic how state and federal law prohibit interference of a tribal government, yet we see this blatant interference daily in our families, communities, and life styles. This interference does not strengthen us, it undermines us. It does not protect us; It leaves us vulnerable to other forms of interference; Without our knowledge; Without our choice; Without our consent: (Morrison Report)

Many Alaska Natives realize the grim realities of ANCSA. We know that existing state and federally regulated agencies, like corporations are not governments and are plagued with many short comings. We know AFN, Inc. represents the special interests of the Regional Corporations.

When I was on the Kenaitze Indian Tribal Council I contacted the Alaska Legal Services on July 22, 1987, regarding subsistence fishing. They informed me that AFN, Inc. negotiated away fishing rights on the Kenai Peninsula -- for 'other Native priorities.' We do not know what these 'other native priorities' are, but the Natives on the Kenai Peninsula were never consulted, nor consented to this action. Our people were fishermen from time in memorial, until limitted entry came into effect. This interference by the State of Alaska and AFN, Inc. hurt the economics of our people and it hurt the economy of our community. AFN, Inc. and the State of Alaska have no business interfering or making deals that involve decissions between the tribes and the Federal Government.

We see the insensitiveness of a native corporation's (CIRI), willingness to trade burial grounds for oil and gas rights in the Arctic National Wildlife Refuge. We read in news letters from a native corporate leader where this same corporation spent over one hundred thousand dollars a year for political activities - without stockholder approval or knowledge. We have documentation of a Native Corporation

(Cook Inlet Region, Inc.) proposing a stock split to issue stock options to the Corporation's management. This proposal would not require shareholder approval, and would give 37,350 shares of stock to six officers, four of whom are not Natives, with a dollar value of $9,961,992.00---an average of $1,640,336.00 to each officer. We read in a Corporate (CIRI) news letter that a corporation is mandating yet another governmental function by placing it's at-large stockholders under the authority of it's State chartered tribal organization, the non-profit arm of the corporation. This constitutes 3rd party interference of Tribal Governments.

We see many, many questionable things going on in our Native corporations, which lead us to question the intentions of our corporate leaders, along with other members of the various bureaucracies, and other interest groups.

At a Kenai Chamber of Commerce luncheon in May of 1987, Charlie Edwardson, a Native who lobbied for the original ANCSA said, "the ANCSA Corporations were unlike other American Corporations and amounted to "Apartheid in America." (Quoted from the Peninsula Clarion).

Section 2 (b) of ANCSA says "The settlement should be accomplished in conformity with real economic and social needs of Natives, with maximum participation."

Today we find widespread proverty among Alaska Natives: We find epidemic alcoholism and suicides among Alaska Natives: We find minimum participation among Alaska Natives. (Anchorage Daily News, Jan. 10-19, 1988).

Cultural Survival, Inc. is a non-profit organization founded by a group of social scientists from Harvard. Published in the 1986, Cultrual Survival quarterly is an article on the Dena'ina Indian traditional story cycles. These stories lay out the'rules and laws'that governs the Dena'ina. In this article, Katherine Mac-Namara cognitively concludes: "Evidence clearly indicates that American law was imposed on the Dena'ina and their law, not for the purpose of fair trading but to seize and hold hostage Dena'ina land to use and possess unjustly."

In the fall of 1987, an official from the Bureau of Indian Affairs, Realty

Office, met with a group of Alaska Natives. The following are excerpts of the taped meeting:

BIA Official: "I'm going to tell you something that might break your heart, okay: I don't think when they came up with ANCSA they (U.S.) were looking out after you long range interest..." He went on to say that the sovereign tribes in the states reserved tribal land called reservations and the government had to protect that land.

BIA Official: "That's where the term reservation came from...it's not that the government gave the Indians a reservation to stay on, the tribe as sovereign entities reserved that piece of land out of their aboriginal areas and gave the rest to the United States: of course they had a gun at their heads....You didn't have tribal land up here...there's no reservation land...you didn't have reservations as such..."

Participant: "Excuse me, are you saying we didn't have any land?"..

BIA Official: "no no no no no, I didn't say that...I take that back...you didn't have any reservations."

Participant: "We only had the land.."

BIA Official: "You had an aboriginal title...and when ANCSA came by the Federal Government said okkk,...that cut off your aboriginal title. Now you're not going to get an argument out of me whether it did or it didn't, but I will dare say that if you spent thousands of dollars and took it to court that they would say that your aboriginal claims have been extinguished."

Participant: "Are you familiar with the Convention on the Prevention and the Punishment of the Crime of Genocide?"

BIA Official: "Yep"

Participant: "Do you feel it applies in this instance?"

BIA Official: "Okay, now your talking theory here again, and yes, I think that it's plain to see it does, but to get that applied is going to be a monumental task, you know,...your going to go to the United Nations and say 'hey these guys are wiping us out as a cultural entity up in Alaska'."

Participants: "It's true."

BIA Official: "Do you think that the Federal United States Government is going to sponsor you to get up there so you can beat them around the head and shoulders in front of the whole world -- the whole universe?"

Participant: "If we're a sovereign nation--a sovereign people we certainly don't need their permission."

BIA Official: "That's correct, you're absolutely correct.."

When the participant asked about taking this issue to World Court, the Official of the Bureau of Indian Affairs reply was: "Well, World Court, you know, that's still going to be white people there holding it, you ain't gunna see any Indians on the World Court."

The situation is so serious, that the Sovereign Yupik Traditional Elders Tribal Council of Atmautluak finds the genocidal effects of the Alaska Native Claims Settlement Act has been well documented. They have brought this to the attention of the United States in Resolution 87-01, which is attached to this report. Traditional Tribal Resolutions have the same legal force as an act of Congress.

The following is an article I wrote, which appeared in the Peninsula Clarion, October 27, 1987, under the heading Land ownership key sovereignty issue.

As many Americans are aware, the basis of the American Constitution was based on the ideology of the Iroquois Indians. The ideology of Indians is based on human rights. A valuable article to read, if one is to understand early America is the last month's (Sep.) 87' issue of the National Geographic which deals with the American Constitution and the Iroquois Nation.

Another example may be found in The Road, by Russel Lawrence Barsh, and James Youngblood Henderson, pg. 283. "The Iroquois analogized the ideological and political intergration of their federal republic to a chain--an interlinking of peoples and ideas. Tribal republics and the United States are part of a chain as yet little appreciated. Bernard Bailyn observes that the colonists held a cyclical view of History.[2] They saw in their mother country a repetition of the corruption and decline of the classical civilizations, and in their own struggle a resurgence of the virtues of the preconquest Anglo-Saxon monarchy and the political idealism of the Restoration. '(C)auses and effects are things correlative,' John Peter Zenger wrote in 1733, 'and the same causes had and ever will have the same effects.'[3] It is interesting, then, how considerable are the parallels between the situation and ideology of the colonial radicals, and of the tribal movement today. Now, as then, the "radicals" are in truth conservatives seeking recommitment to fundamental ideals, and the "conservative" defenders of the status quo are really the innovators.[4] Like their eighteenth-century counterparts, tribalists are 'not attempting any change of Government--only a preservation of the Constitution.'[5]"

It grieves me to see the attitude that some natives and non-natives are trying to turn native sovereignty and native jurisdiction into a racial issue, because it is not -- it is however, a human rights issue concerning all people of Alaska. Opression has no racial boundaries, and we are all victoms.

According to all the laws, under study, (State, Federal, and Universal) Alaska still belongs to the Alaska Natives. , Alaska was never conquored by any nation. When Alaska was "purchased" from Russia, records show only Russian Forts and trading rights were involved in the purchase.

In order for the Alaska Native Claims Settlement Act (ANCSA) to be legal and binding, Federal statutes and policy governing land settlements between the U.S. and recognized Indians and Alaska Native Tribes, requires consent of the tribe to any action of the U.S. (Article III of Northwest Ordinance; Wheeler-Howard Act of 1934, as amended for Alaska in 1936, in Section 16 of that Act (48 Stat. 984-988); and federal regulations promulgated by the Secretary of Interior (25 CFR ss 1.4(g).)

The process for expression of tribal consent to alienation of property and interests in property is through certified tribal elections supervised by the Secretary of Interior. This was not done. Also, land settlement provisions of ANCSA are subject to the limitation provided by Section 17 (b) (2) of the Act (43 U.S.C. 1601, 1616 (b) (2), and Section -11--(a) (2), which makes any and all actions for implementation of land provisions subject to any valid existing rights.

The Alaska Statehood Act, Public Law 85-508, Act of July 7, 1958 (72) Stat. 339, as amended, Sec. 4, states: "As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right and title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation .. no taxes shall be imposed by said States upon (federal lands or lands which) ... may belong to said natives ..."

These are just to name a few of the laws involved.

Sovereign means possesing absolute authority within a given sphere. What happened to non-native sovereignty can be found in The Road pg. 277. "...Article IV of the Constitution provides that "new States may be admitted by the Congress," indicating a delegation or waiver of the right of popular consent. Is this right alienable by the people? Perhaps it is alienable in this case because of the peculiar nature of the transaction. The new state submits to supremacy of the nation, ceding a portion of its sovereignty." (end of quote)

Since there has never been a legal treaty between the U.S. and the Alaska Natives (no tribal consent - no treaty), certainly may be construed to mean the Alaska Natives possess sovereignty over Alaska. Hence, it is the Alaska Natives that can give complete sovereignty back to all those residing in Alaska, thus putting Alaska back to a people to people government.

Traditional Indian law is based on human rights and dignity of all. It was never an Indian concept of land ownership, but rather prior use and occupancy. Natives believe God owns the land - we are only the care takers of the land God placed us and our ancesters on. This carries a responsibility for us because we are the ones held responsible for keeping our lands and waters clean, and to keep the land a peaceful place for all who wish to reside in.

Today, right here on the Kenai Peninsula we read about all of the toxins in our water. These toxins cause birth defects, cancer, stress, and much sickness. Every one deserves clean water, clean air, and clean land. There are ways of cleaning up our environment other than ignoring it or burying the pollutants for other generations to deal with. Our land is very sick and we find no racial boundaries in who is being affected.

So much of our resources have been extracted, and so much money made off Alaska, yet there are still many Alaskans who are not benefitting. We can tell what kind of people we are by seeing how we treat our children and elderly. Do you like what you see?

Many "old timers" who have lived off the land (miners, trappers, guides, etc.) are now being squeezed out. If they are not abusing the land or destroying the game why should they be penalized for earning a living?

There is an emerging of local and self- determination through out many parts of Alaska based on the integrity of the Tribes, the U.N. Doctrine of Human Rights and the Anti-Genocide Treaty, which is the highest form of governance in the world. These various Tribes have met the deadline of October 1986 and top file over Alaska to hold in suzerian trust until each Tribe asserts it's own self-determination. In our special relationships, government to government, sovereign to sovereign, people to people, we are secure in the knowledge that International and Federal Treaty protect our rights and freedoms to determine our own lives, life styles, and futures.

The U.N. Charter of Human Rights and Anit-Genocide Treaty protects everyone (enclosed). Therefore, those few people who are trying to turn Native sovereignty into a racial issue is spreading a vicious rumor.

Respectively submitted,

Mary Ann

Mary Ann Mills
Kenaitze Tribal Member

Respectively sumitted to the Peninsula Clarion news paper on October 20, 1987.

Our genetics are tied to our culture and without our culture many of us become weak and die. Today we see too many Alaska Natives have lost the way and have no where to belong. We see too many Alaska Natives living on the streets like Buzzy Roberts, a 48 year old Eskimo, who appeared in A People In Peril (Anchorage Daily News).

"He looked discarded, like someone who was supposed to care about him and had a change of heart.", the reporter wrote. Buzzy (Alton) Roberts, in an interview with the reporter said; "Sometimes I think the generation after mine is better off ... We had to try to catch up. Some did. Some didn't, like me".

Peter Graves of Red Lake testifying in "Hearings; Readjustment of Indian Affairs (219, House Committee on Indian Affairs, 73rd Cong., 2nd Session (1934), said: "The older people....expect their young people to have a home. From which place they can go out into the world, and if the world is to fast for them they will have a place to return when they seek refuge. That was the intentions of the old Chiefs".

In the Anchorage Daily News, March 10, 1988, under the heading ALASKA'S NATIVES hold the right of self-government, Paul Tony, President of the Chitna Village Council, who has a law degree and is studying for the bar exam said: "Why do Alaskan Natives have the right to a tribal form of government? The answer lies in the basic right to choose how you will live and be governed, and in social contract theory as well.

Agreement is a necessary prerequisite to any form of government; as stated in the Declaration of Independence; consent of the governed legitimized government. Alaska Native culture, if destroyed, will exist no where else. Other groups choose to come here and consent to the form of government -- their respective cultures continue to exist in their homelands.

For thousands of years Alaska Natives have governed themselves and respected and managed the land and its resources. They did not displace anyone by coming here and their right to their way of life and government are superior rights in the well recognized way that all "grandfather rights" exist.

In addition to being a natural right, self-government has helped protect Native American culture from intrusive and assimilative forces. The recognition of "domestic dependent nations" on the federal level has served as a protective barrier, separating Native Americans from hostile state and local interests.....

Self-government is such a fundamental and natural right that its denial cannot be reconciled with principles of representative government and democracy. Until Alaskan Natives govern themselves, the moral blame for the failure of the social agenda will lie with those who govern, but do not represent, those who claim to represent, but are not chosen." (end of quote)

This is a human rights issue that affects all of us. What is happening to us is seriously wrong. I hope we can assist each other for the betterment of all humanity.

Please help us in our struggle to preserve our ethnic people and culture from becoming extinct. For some of us, our culture is holding on by a thread.

I hope the responsibility will be with all that hear. Thank you for listening.

Tsa - Nan Thank you

ATMAUTLUAK TRADITIONAL COUNCIL
GENERAL DELIVERY
ATMAUTLUAK, AK 99559
(907) 553-5610

Resolution 87-01

Whereas, The United States of America has become signatory to the International Convention on the Prevention and Punishment of the Crime of Genocide;

Whereas, The Elders Council of Atmautluak, the governing authority of the sovereign people of Atmautluak, deems the Alaska Native Claims Settlement Act of 1971 (U.S. Public Law 92-203) genocidal;

Whereas, It is in the best interest of Atmautluak Yupiit to seek international protection through the World Court arresting the genocidal acts of the United States of America toward the Yupik;

Therefore, Be it resolved that the Elders Tribal Council of Atmautluak hereby petition the World Court to do the following:

1. Receive and hear the charge hereby being made that the United States is committing acts of genocide against the Yupik;
2. Suspend U.S. Administration in the Yupik homeland; and
3. Receive into voluntary custody the Yupik to insure international order under the direct protection of the Court and the United Nations' General Assembly and Security Council until such time as the present issue is resolved.

Passed this day of February 10, 1987.

ELDERS TRIBAL COUNCIL OF ATMAUTLUAK

Jimmy Nicholai
Alexie Mochin Sr
Nellie P. Mochin
Evelyn Pavilla
+ Mochin for Sophie Nick.

October 19, 1972

Willie Hensley, President
Alaska Federation of Natives
Kaloa Building, 1675 "C"
Anchorage, Alaska

Re: Powers of the Board of Directors of the AFN, the unincorporated association

Dear Willie:

I've given some thought to the problem of dissolving the unincorporated association and would like to set forth what I think are the three alternatives. I do not include allowing the organization to die from non-use because I do not think that is a viable alternative.

An unincorporated association must be governed in accordance with its constitution and By-laws as they have the force and effect of a contract between the organization and its members. Thus, dissolution must be in accordance with the constitution and By-laws. Generally an unincorporated association, or a voluntary association, can only be dissolved by the consent of its members. This would mean that AFN would have to be dissolved as a result of an annual meeting with the associations represented by their delegates and proxies. As I have previously advised the Board of AFN, Inc. I think the proxy convention is one of the best ways to dissolve AFN without giving rise to any legal questions.

An equally sound, and perhaps more expedient, way to dissolve the unincorporated association would be to get a Court to decree a dissolution. The general rule is that when the operations of a unincorporated association have been discontinued and its objects and purposes abandoned by common consent the Court has jurisdiction to decree a dissolution. It must be noted that the Court only will assume this jurisdiction, and dissolve the association, when it is entirely apparent that the organization no longer serves its ends and there is no other mode of relief which would allow dissolution. I think that we would be in an excellent position to get such a decree from a Court in Anchorage. The expense of trying to actually get all the members together; the

the fact that AFN, Inc. has taken over all the functions of the unincorporated association, including its debts, liabilities and obligations; and the fact that all Natives in the state are represented in AFN, Inc. would I think make it fairly easy to dissolve the unincorporated association in this way. The only problem, of course, would be that Don Wright and Boyko could oppose the dissolution and it would create additional headlines, which we really don't need.

The third method, and perhaps the most practical, is to have the Board of Directors of AFN, the unincorporated association, meet and then interpret and apply the constitution and By-laws of the Federation in such a manner as to give themselves the power to dissolve it. The association would then be dissolved pursuant to Article VII, Section 1. Article VII, Section 1 provides:

> "such powers, duties and authority as are not otherwise delegated to the President and Secretary of the Federation shall be exercised, acted upon, and determined by the Board of Directors. The Board of Directors shall have the authority to interpret and apply the constitution and By-laws of the Federation and to decide all questions of law thereunder subject to appeal to the next annual meeting. The Board of Directors shall have governing authority over the Federation between annual meetings."

The aforementioned section can arguably be construed to give the Board the power to construe the constitution and By-laws of the Federation to allow the dissolution of that organization.

It should be noted that Article X, pertaining to the amendment of the constitution and By-laws, would seem to place a limit on the powers and authority of the Board of Directors. If one wanted to be a legal knit picker it can be argued that the Board of Directors do not have the power to dissolve the organization. If it weren't for Wright and Boyko, however, it would be unlikely that anyone would contest the Board's power to dissolve AFN. In addition as there is no mention of dissolution, it could be argued that it is up to the Board. I agree with Les that this is a mere ripple on the road to what is the real business of the Alaskan Federation of Natives and will be handled by the Alaskan Federation of Natives, Inc. Thus, if the unincorporated association were dissolved in this manner I think as a practical matter we'd have a dissolved association. It is certainly arguable that the grant of power to the Board of Directors is so broad that they could be interpeted to have such power. Additionally, the Board of Directors is representative of all the areawide associations and could be construed to be the delegates of those associations. The argument can then be made that the associations were the ones who dissolved AFN and they had the power to do so. The argument would run that the members have delegated the power to dissolve the organization to their delegates who are the Board of Directors. As the Board of Directors have the authority to interpret and apply the Constitution and By-laws, and to decide all questions of law thereunder, they have the authority to decide their own authority. This would include the authority to decide their own power to dissolve the association. At that point the association would be dissolved.

The third alternative might be attacked, but I don't think dissidents could prevent the dissolution. If they had unlimited funds and elicited the aid of some associations, or villages, it might be possible to stop the dissolution. As a practical matter, however, I think the dissolution would be complete. I might point out that the general law is that the courts will not become involved in this kind of question until the legal remedies of the association are exhausted. Thus any dissident would have to go to the Board of Directors for an interpetation first. You would be in good shape internally.

If you have any other questions, please contact me.

Sincerely,

KAY, MILLER, LIBBEY,
KELLY, CHRISTIE & FULD

JOHN ANTHONY SMITH
JAS:vl

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d-9 Anchorage Daily News Tuesday, March 1, 1988 forum

Government should tread lightly on suicide issue

By TIM TROLL

COMPASS
POINTS OF VIEW FROM OUR COMMUNITY

In August of 1986 I wrote in this column about my acquaintance with one of the young men from Alakanuk who took his life in the frenzy of suicides that plagued that village. 1986 was an election year. The recession in Alaska was the central issue of most campaigns.

I suggested in that column that a more serious crisis was occurring in rural Alaska, and that votes would be better cast for candidates who conveyed a sensitivity appropriate for confronting that crisis.

I also stated I didn't expect government to provide the antidote, but that I did expect those who run the government to appreciate the gravity of the suicide and alcohol problem in rural Alaska.

After the "A People in Peril" series, it is difficult not to appreciate the seriousness of the problem. The series, however, has been criticized for not suggesting solutions beyond restricting the flow of alcohol.

Critics have suggested the proper focus is not government supported restrictions on alcohol but the underlying or "root causes" for the suicides and alcohol abuse in rural Alaska. The lingering question raised by this debate is can we expect government to do more? Can we expect government to provide the antidote?

The "A People in Peril" series and its commentators have suggested any number of "root causes" of the suicide and alcohol problem in rural Native villages. Among the many causes suggested are: the lack of economic opportunity, cultural disorientation, the loss of Native political power, the basic inviability of rural life, the diminishment of the role of the Native male, and a physical vulnerability to alcohol that exists because of the historically recent exposure of Natives to alcohol.

In the face of such a list, how can we ever know if any of the suggested root causes is the singular cause, or whether these causes all work in combination, or indeed if the list is exhaustive? The answer is that we may never know.

The alcohol and suicide problem in rural Alaska has all the characteristics of a tenacious social problem; Like poverty or crime, its root causes are buried within the human condition. Change comes, if at all, only as a result of broad — and slow — social processes. Government is but one social actor.

If we direct our search for answers solely to the government we are likely to commit ourselves to futile acts. Inevitably we will confront, as indeed we have confronted, what James Q. Wilson in his book "Thinking About Crime" labels the "fallacy of root causes."

Root causes are not easily subject to empirical verification and consequently vary with the tides of public opinion. We can conduct studies and draw analogies, but in the end the results are rarely an appropriate guide for public policy.

As Wilson notes: "The demand for causal solutions is, whether intended or not, a way of deferring any action and criticizing any policy. It is a caste of mind that inevitably detracts attention from those few things that governments do reasonably well and draws attention toward those many things it cannot do at all."

How then can we expect government officials and policy makers to react to this crisis? First, positive efforts should be directed toward those things government can potentially do well. Restricting the flow of alcohol and vigorously enforcing the local option laws are at least likely to save lives.

Second, government programs like those within the Department of Health and Social Services aimed at the abuse problem should be flexible and capable of responding to the needs as perceived by those closest to the problem. Also, we must temper our opinions of these social programs with a modest definition of progress. Effectiveness is likely to be measurable, if at all, only over many generations.

Finally, the fact that root causes are difficult to address directly does not mean government officials should disregard the debate about root causes. In the analysis of the cost and benefits of legislation or government policies having a significant impact in rural Alaska, the alcohol abuse and suicide problem should always be a factor considered. Government action should be avoided if it may contribute significantly to the problem.

For example, if alcohol abuse is potentially a manifestation of the loss of Native political power then legislation mandating the formation of boroughs should be avoided if it will further erode that power. If the lack of economic opportunity is a contributing cause, imposing limited entry in a fishery that will result in the exclusion of young Native males should be avoided.

The debate about the root causes for the alcohol abuse and suicide crisis in rural Alaska is valuable, but it is important to recognize the limited usefulness of the debate for public policy purposes. Sensitivity to the problem does not necessarily mean passing laws directed to the elimination of alleged causes.

Rather, sensitivity implies most importantly a willingness to consider one's own acts, whether as policy maker or ordinary citizen, in the light of the problem — and to reconsider those acts if they may advance the problem.

☐ Tim Troll is an Anchorage attorney and former city manager of St. Mary's.

> "The alcohol and suicide problem in rural Alaska has all the characteristics of a tenacious social problem; like poverty or crime, its root causes are buried within the human condition. Change comes, if at all, only as a result of broad — and slow — social processes. Government is but one social actor."

2 copies

C-7 Anchorage Daily News Tuesday, January 19, 1988

forum

Healing must come from within Native community

By Dr. ROBERT ALBERTS

COMPASS
POINTS OF VIEW FROM OUR COMMUNITY

Many people and their communities in developing regions of the world are caught up in a process of rapid, forced acculturation. What is happening to the Native people in Alaska is no exception.

The problem is complex. Over the past century our dominant culture, through churches, schools and agencies, has relentlessly imposed its values upon the Native world, robbing the Native people of much that previously made their lives meaningful. As people lost control over their lives and their destiny and the once-tight fabric of the communities began to unravel, a state of anomic depression set in.

Anomic depression is chronic in nature, leads to an intense feeling of loneliness and isolation, and destroys any hope for a better future. It is not surprising that this had led to the widespread use of alcohol to relieve stress.

Without hope for the future only the present counts, and the need for immediate gratification and relief from the overwhelming stress of trying to live in a chaotic world becomes overwhelming.

Unfortunately, the abuse of alcohol releases the inhibited anger which results from years of pain and frustration. Like putting Blazo on a smoldering fire, alcohol abuse has led to the magnitude of destructive and self-destructive behavior that has ripped apart families and destroyed trust among friends.

Yet one has to look beyond the alcohol. Although the cause of incredible pain and suffering, the destructive consumption of alcohol is an expression of unbearable stress. In a culture of transition the use of alcohol has become accepted as a way to temporarily take refuge from life's stresses.

Alcohol has vastly complicated the problems, but basically it is a symptom of an even greater problem, the loss of pride and control over one's own destiny. Solving the problems of acculturation goes beyond solving the problems created by alcohol — even though obtaining sobriety has to be the first step.

Rapid acculturation (or being catapulted into the 20th century, as an Inupiaq elder put it) affects every aspect of life — physical, mental, social, spiritual and economic. The problem is truly comprehensive, and can only hope to be solved by a comprehensive approach. No wonder the dominant culture, which favors a categorical approach to problem-solving, has only added to the confusion and dependency.

I strongly believe that in addition to a comprehensive solution, the answer lies in the recognition that in spite of the apparent disintegration of individual and community life there remains a vast amount of Native knowledge and insight among the village elders.

I was privileged to observe the first and second Yupik Medicine Workshops. Here the elders, better than outside experts, were able to express in clear terms the basis of the seemingly overwhelming problems: "We have to overcome our total dependency on the outside world. Only then will our people regain their self-esteem and pride in their culture."

They did not deny the need for change, but recognized the need to control the changes that were taking place rather than being controlled by them.

They saw the need for bringing the Native culture into harmony with the changing world and finding ways to provide the young people with the tools to restore meaning to their lives and their destiny.

There is hope for a better future and the end of the course of dependency, which will allow the Native people to find their own place in a world of sobriety and constructive action.

It will depend, however, on whether the Native people are willing to unite and accept responsibility for their own future, as much as the willingness on the part of the outside providers to step back and assist, but accept that the healing will have to come from within the Native communities.

We are beginning to see a re-awakening of the strength, the pride and the sense of purpose which guided the people during their long journey before the non-Natives invaded their world. With new skills and a return to the spiritual values of cultural tradition there is hope.

☐ Dr. Robert Alberts is a psychiatrist in private practice. He also is Medical Director of Mental Health Services at Providence Hospital and founder of Alaska Psychiatric Services.

8-17-88 ADN

Pilot Station boy dies; gas-sniffing suspected

By **MARILEE ENGE**
Daily News reporter

Freddy George was wandering the streets of his village on the last night he was seen alive. About midnight last Tuesday, the Pilot Station village police officer told him to go home. Officer Patrick Nick, Jr. watched Freddy until he was out of sight.

But 14-year-old Freddy George didn't go home. He went to a little fishing shack at the end of the village, a ramshackle cabin near the Yukon River used to store fishing gear.

John Evan and his son, Freddy, 12, found his body the next morning as they prepared to go fishing.

The Alaska State Troopers have said Freddy George apparently died after he inhaled fumes from an open can of gasoline. His body was sent to Anchorage for an autopsy.

Freddy George and Freddy Evan were together earlier on the evening of Aug. 9, said John Evan. But his son had gone home and Freddy George was alone in the darkened village when Nick talked to him.

"I told him to go home after midnight," the officer

See Back Page, DEATH

DEATH: Sniffing gas fumes is apparent cause

Continued from Page A-1

said. "It looked like he went home. When I was patrolling around town I didn't see anybody. . . . He must have faked going home. When he didn't see me, he turned the other way."

The next morning, the Evans went to the cabin.

"It was about 9:15 that me and my boy were going down to get ready to go fishing. We found him," Evan said. "When I first saw him, I thought he was sleeping. I couldn't recognize him for a while. I asked my Freddy to come see who it was. I've been feeling pretty bad about that."

The gas cans in the fishing shack belonged to John Evan's father. Evan said he had noticed that the lid was off one can the day before Freddy died. It was empty of gas but the fumes probably remained.

Freddy George often stayed out late, according to Nick. And when he went home, it was usually to his married sister's house. He nd his sister and their moth- Sarah, were the only liv- members of their immedi- family. His father and two older brothers died alcohol-related deaths, according to villagers.

Officials don't know how common the practice of sniffing gasoline fumes to get high is. It is a dangerous form of substance abuse that can be addictive and sometimes leads to death from asphyxia.

Freddy George is the second Yukon Delta youth to die in recent weeks after reportedly sniffing gas. A 14-year-old Emmonak boy died during a party in late July after he reportedly drank home-brewed liquor and inhaled gasoline fumes.

"That goes on in the Bush," said Troopers Capt. Glenn Godfrey, who heads the agency's rural law enforcement. "Quite often it's youngsters, teen-agers and pre-teens who are experimenting with substances. The potential of that being fatal is very high. You get a quick high and all of a sudden it's too late.

"There's no trend. I don't see an inordinate number of people dying from sniffing gas," he said, adding, "It's nothing we're taking lightly."

Evan said in the past he warned his children of the dangers of inhaling gasoline fumes. The kids have brought educational pamphlets on the subject home from school, he said.

Freddy Evan said a teacher cautioned, "If we try it we would do the same thing as Freddy." He didn't know if Freddy George had tried gas sniffing before. "A few kids do it once in a while," he said.

Freddy George's funeral was held Monday at his mother's home. The deacon of the Catholic church officiated. John Evan said he didn't go because the place was packed.

He has been troubled since that morning he found Freddy's body. His wife is out of town and he hasn't been able to talk about his feelings, he said.

"That's the first time I've found somebody dead like that. It's pretty hard to take. I didn't want to go fishing," he said.

That day, Evan said, he and his son hardly spoke to each other.

"When I came home, I called the priest. I talked to him. I didn't want to keep it in me. If you keep it inside it seems to get worse."

News Monday, August 22, 1988 C-1

Disease hits hard in Alaska

Region of state suffers highest meningitis rate

The Associated Press

People in western Alaska suffer the highest rate of the deadly disease meningitis in the world, an unpublished study by the federal Centers for Disease Control says.

The group at greatest risk is Native infants, whose rate of contracting pneumococcal meningitis is 36 times higher than the U.S average, the study shows.

Meningitis is an inflammation of the membranes and a thickening of the fluid surrounding the brain and spinal cord. It can result in blindness, deafness, mental retardation, cerebral palsey and death.

A variety of bacteria and viruses can cause the disease, which usually is spread through respiratory infections.

Most meningitis cases are caused by infections of either haemophilus influenza type b — Hib — or pneumococcus bacteria. Both germs also cause other serious related diseases, ranging from pneumonia to skin, lung, eye and bone infections.

"It's the most common cause of acquired mental retardation among Alaska Natives," said Dr. Jim Berner, chief of community health services for the Alaska area Indian Health Service.

Researchers have begun a statewide surveillance program because of suspicions that Anchorage, Fairbanks and other parts of Alaska may also have extremely high rates of the disease, said Dr. Mike Davidson, the principal author of the CDC study.

The Alaska-area Indian Health Service also is preparing to begin a massive intervention program for infants in the Yukon-Kuskokwim Delta, which is believed to be the area of highest exposure to the disease-causing bacteria, officials said.

More than 85 percent of the victims are less

See Page C-2, **DISEASE**

Booze-related deaths go on

The Associated Press

BETHEL — Suicides and alcohol-related deaths are continuing to mount in the Yukon-Kuskokwim Delta, authorities say.

Magistrates in Bethel and Aniak said there have been at least 13 suicides in the region since January 1987 and at least 23 alcohol-related deaths.

Seven suicides were reported from January 1987 through Aug. 8 in villages along the Lower Kuskokwim, and another six in communities along the Lower Yukon, authorities said.

Seven alcohol-related deaths were reported in the Aniak district; nine more occurred along the Lower Kuskokwim and five others were reported along the Lower Yukon, said Bethel Magistrate Craig McMahon and Aniak Magistrate Dan Branch.

Alcohol-related deaths in the Aniak district included two drownings, two murders where the perpetrator had been drinking, one choking death and another case in which the person died in a house fire, Branch said.

McMahon, meanwhile, said three suicides were reported in the Bethel area last year, two of which were alcohol-related.

Obtaining data about suicides in rural Alaska continues to be a problem, but the

See Page C-2, **ALCOHOL**

COHOL: Deaths continue to mount

Continued from Page C-1

are has appropriated $100,000 for the vision of Vital Statistics to help the situation, officials said.

Soule, a former Aniak resident who a new state suicide prevention pro- om Juneau, said the money should npile statistics about suicides and natural deaths.

representatives soon will be working with coroners and magistrates in rural Alaska to upgrade information on death certificates, she said.

"The quality of data should improve dramatically," Soule said.

Poor record-keeping and poor reporting over the years has kept the magnitude of Alaska's rural suicide problem from reaching the public and policymakers, officials said.

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ASE: Western Alaska tops nation for meningitis

Continued from Page C-1

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Those results prompted strong interest among the staff of the Alaska area Indian Health Service. But officials said there isn't enough money to support a statewide BPIG program around the state.

The Alaska office said it was forced to pull money from other areas of its budget simply to support the Yukon-Kuskokwim Delta intervention program.

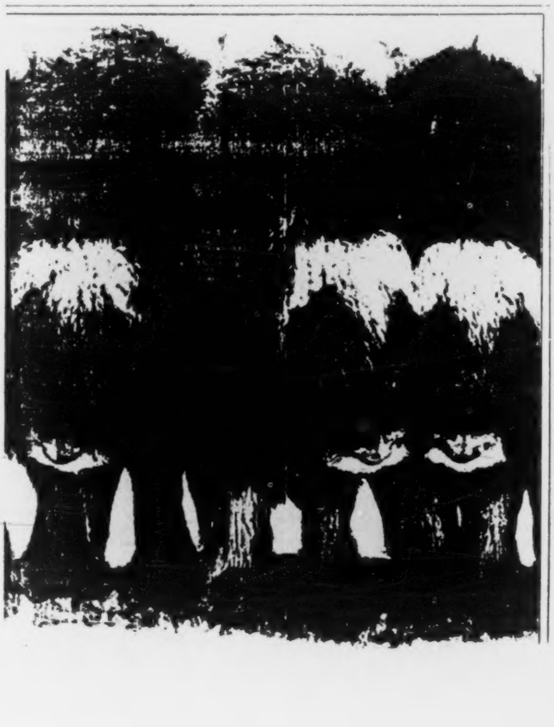
"It's very expensive — more than $100 a shot," Berner said. "It's such a drain on our resources that at present we can only afford to give it to this select group of kids who are at highest risk."

BPIG is still an investigational drug and must be licensed by the federal government before it can be used commercially — a process that can take several years, officials said.

Dr. George Siber, director of the laboratory that makes the serum, said his company hasn't yet applied for a license to produce BPIG, but Siber said it still might be helpful in Alaska.

"I think it would certainly be appropriate and might help things along, if it were used under an investigational protocol in Alaska," Siber said, indicating he had written Indian Health Service officials in Washington, D.C. to that effect.

Records are spotty, but 144 meningitis cases were reported to the state epidemiologist's office in 1987, officials said.



ALCOHOL: Deaths continue to mount

Continued from Page C-1

Legislature has appropriated $100,000 for the state division of Vital Statistics to help remedy the situation, officials said.

Susan Soule, a former Aniak resident who manages a new state suicide prevention program from Juneau, said the money should help compile statistics about suicides and other unnatural deaths.

Field representatives soon will be working with coroners and magistrates in rural Alaska to upgrade information on death certificates, she said.

"The quality of data should improve dramatically," Soule said.

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Up to half of Alaska's suicides were not reported as such, officials said.

DISEASE: Western Alaska tops nation for meningitis

Continued from Page C-1

than 2 years old, Berner said.

"The peak incidence for the disease is between 6 and 11 months, and when infants under 8 months get meningitis, they're much more likely to face serious long-term health effects," Berner said. "The younger your central nervous system is, the worse meningitis is for it."

The death rate for the pneumococcal meningitis cases studied in the CDC report was 14.3 percent.

It is a matter of particular concern, because there currently is no vaccine available preventing meningitis in infants younger than 18 months, officials said.

A newly completed, four-year trial project sponsored by the National Institutes of Health has tracked more than 1,000 Alaska Native infants who were inoculated with the vaccine "prohibit."

That vaccine proved effective in treating Hib infections and meningitis in children as young as 18 months, and researchers had hoped it would protect children even younger than that.

Preliminary results from a separate study being conducted in Finland suggest the vaccine protects Finnish infants under 6 months.

The results of the CDC study, however, did not duplicate that success.

"It's not effective, not in Alaska Native kids at 2, 4 or 6 months," Berner said.

He attributed that to genetic differences between the two groups.

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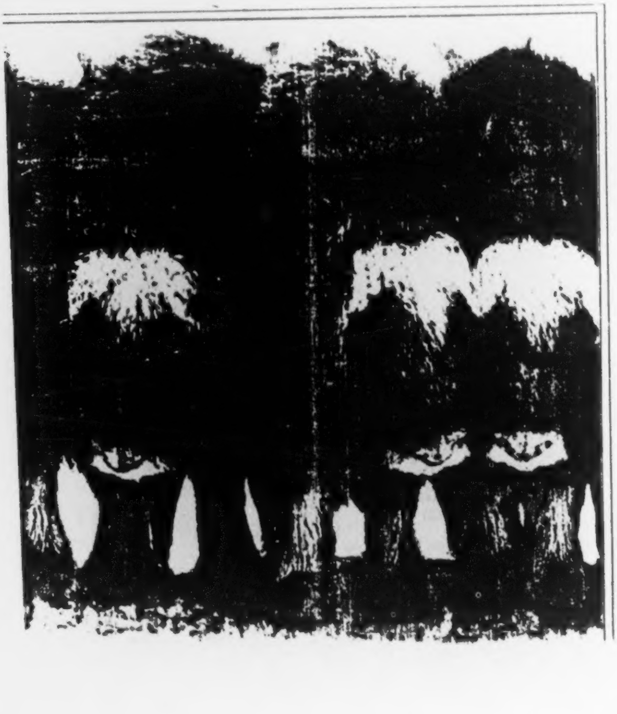


Anch. Daily News 5-25-88

White and Native cultures warred in a good man's heart

Father Bob Corrigal carried the battle a long time, but they say he found peace at the end

By LARRY CAMPBELL
Daily News reporter

Father Bob Corrigal, S.J., was a good Yupik, a good Irishman and a good priest. The combination gave him great joy and great heartache all his life.

The church has always been a shepherd over a flock, a white world concept of power and control that was foreign to Native peoples. For Corrigal, the only Alaska Native ever ordained a Roman Catholic priest, that conflict was personal. It tugged at his soul nearly all his life.

He finally stepped down from the altar and walked among the sidewalks and tenement apartments of the needy. Although the Society of Jesus never let him go, Corrigal found his own way to do God's work, as a social service counselor.

Changes were coming even as Corrigal fought his own, private battle. Church and Native culture were coming to understand each other, to meld. Corrigal discovered these changes in his last few months. His friends say that in his last days his soul was at peace.

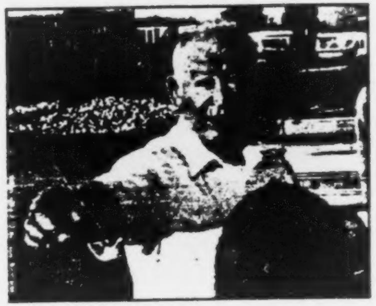
Corrigal died Friday after a month's-long fight with cancer. He was 60.

Gaunt and jaundiced, he lay cradled in the arms of his closest friend, Glenda Francis, on a bed in the Alaska Native Medical Center. A needle in his arm fed him morphine for the pain, and a plastic honey bear squeeze bottle labeled Holy Water sat on the end table. An eagle's feather hung over his bed, put there by a friend to bring the spirits closer.

Corrigal was a short, beefy man with wispy white hair. His voice was slightly gravely and husky, and he nearly always smiled. He always seemed to be wearing the same, dull polyester slacks and white, short-sleeved shirt. He had two or three changes of clothes, friends said, but he was always giving everything else away.

And he was nearly always talking. A friend said that the only time Corrigal was

See Back Page, FATHER



Father Bob Corrigal, S.J.

HER BOB CORRIGAL: Towarc

Continued from Page A-1

Bob Corrigal smiles on his ordination day
Wash., in 1959. With Corrigal is Brother Jerry

. was during sips of coffee between bits conversation.

He talked about the agonies of cultural change, alcoholism, suicide, the needs of his people, their hope in education and pride. He talked about his grandfather, his tie to tradition.

Many people knew Alaska's only Native priest, but at different times in his life. Some knew him as a boy in the orphanage school at Holy Cross. Others remembered him when he returned to Alaska 20 years later at Bethel, wearing a priest's collar.

Still others knew him during the conflict. His confidants were priests and former priests who were going through similar conflicts. What does being a priest mean? What good are we doing? Why can't the church feed more, clothe more — do more?

"So much of what we were given (in the seminary) didn't respond to the common man," said friend Mike Murphy. Murphy quit the priesthood in the mid-1970s and is now married and works as a probation officer in Anchorage. "You go to Mass on Sunday and do all those things, but for some of us, it wasn't enough. That's the pain that Bob felt. It didn't relate to the people.

"He wanted the church to be more. We all did. We wanted to give bread instead of stones."

The church seemed to give plenty to Corrigal the boy. The Jesuits brought Roman Catholicism to Western Alaska about 100 years ago. By the time Corrigal was a boy in Bethel, the church had deep roots. Eskimo spiritual beliefs had begun to wither.

His Yupik mother was Anna "Nusta" Petluska. His father, Neil Corrigal, was straight from Ireland, County Cork. Before he was left an orphan, Corrigal remembered the times he spent with his grandfather, a Yupik shaman, a spirit man.

"My grandfather was so wise and spiritual," Corrigal said. "When we would go hunting — he would take me, this little boy with him and I probably got more in the way — he would teach me so much about the spirits in the living things around us. He knew all this and I wish I'd had the chance to learn it, too."

Corrigal had other memories of his boyhood. He remembered when he first began realizing that cultures were different, and that he was not totally one or the other.

"You know, I remember seeing white men coming into the village to hunt, and they had brand new guns and other fancy equipment. And I remember thinking to myself that I was ignorant, just a dumb Eskimo with these crude, old weapons. I was just a kid, sure. But I remember thinking that." Then Corrigal shook his head and laughed. "Boy, I thought I was an ignorant Eskimo."

At the orphanage school, though, classmates like Lillian Walker remember Corrigal as an achiever. Walker, 64, is a retired health aide in Holy Cross.

"He learned to play guitar and sing," Walker said. "In those days the Catholic school was through the eighth grade, but it was equivalent to like going through high school. Bobby finished, graduated. That was a big thing then."

Father Neil Murphy ran the school back then. He offered Corrigal a home with his family in Butte, Montana. Corrigal continued school there. He entered the Jesuit novitiate in Sheridan, Ore., in 1946.

"Well, he'd just come up to you and say, 'Hi. My name's Bob Corrigal.' I was pretty much taken by him," said Father Bill Bichsel, of Tacoma, a classmate who remained close to Corrigal through the years. "You'd sit down to talk to him and couldn't shut him up. Just a real open fellow."

The Eskimo youth studied Latin, Greek, French and Hebrew for four years alongside the white novitiates. More years spent studying philosophy, still more as a high school teacher: 13 years, studying Catholicism with white men.

He brought it back home to Bethel in 1961. But most memories of Corrigal are not of him at the altar.

"He always had time for the kids," said Pam Peltola. She is a Tlingit from Southeast who spent her teen-age years in Bethel. "He helped us organize a place for us to meet, a building right next to the church and we had social functions, Bible studies.

"You know, I was a misplaced Indian and sometimes the other kids would tease me. Tell me, 'Pam, you know what happened to all the Indians? The Eskimos killed 'em all.' But Bob would always say to me, 'Oh no, Pam. Don't worry about it. You're really one of us.' "

It must have been about this time that Corrigal began to get restless. He went to Tacoma to earn a pilot's license. Then he village-hopped in a Piper Super Cub, and the villagers called him the Red Baron.

"I was about 13 at the time, and he used to come up to Pilot Station," said Francis Klukluk, now a custodian at the Native medical center. "The first thing he'd want to do is go rabbit hunting, so he'd come find me and we'd go. He used to talk a lot about his grandpa and I tried to teach him some of his Native language. He kept saying, 'One of these days I'm going to learn Yupik.' "

I the end, peace from the war in his soul

t Mount Saint Michael's Seminary in Spokane, Sullivan. Brother Jim Conyard is on the steps.

But Corrigal wanted more than just to learn his Native tongue. His people were suffering in a steady descent into alcoholism, hepatitis, despondency. His heritage was destroying itself slowly, and he was watching from the altar.

At 42 he went back to school.

"At first he figured he'd be a doctor " Bichsel said. "He saw the sickness and pain among his people and figured that's what they needed and he was going to get it for them.

"He went to school in Las Vegas, lived in a garage and studied his heart out. A friend and I drove down and visited him and he was so into the books. But the studies were just too hard. I think that's when he settled for the counseling degree."

Corrigal earned a master's degree in guidance and counseling from Eastern Washington State College, then returned to Alaska.

Mike Murphy met Corrigal in Fairbanks in 1973. Corrigal was associate pastor at Immaculate Conception Parish and was counseling Native students at University of Alaska Fairbanks. The two had much in common. Their fathers both came from the same Irish county. And they both were beginning to struggle with doubts about their callings and the church.

"We had long talks about it," Murphy said. "Our ideas about God, religion, where we thought organized religion was missing the boat. I think Bob eventually understood that he had to get out. We mutually made some discoveries about ourselves."

Many of Corrigal's friends said the image of being a priest began to annoy him, too. The clerical trappings were a barrier. He was "Father" to his people. Being Father became a burden.

"The church seemed so antiseptic, cloistered off from the struggle with the people," added his old classmate Bichsel. He said he, too, knew the feeling of doubts, just like Corrigal. "You see things going wrong in the world and all you're saying to people is to pray."

By 1979, Corrigal had taken off his collar for good. He took a job with Fluor-Alaska Inc. and Cook Inlet Native Association to create a counseling program for Natives working on the trans-Alaska pipeline. After that, he counseled Native college students through a program with the Alaska Village Council Presidents in Bethel.

From 1984 until a few months ago, Corrigal was a counselor for tenants in Alaska State Building Authority low-income housing. He had a small office in the Park View Manor apartments in Fairview, where coffee was always on and tenants dropped by to talk.

There was little outward evidence of Corrigal's spiritual crisis. He didn't talk about it freely. A lot of people who knew him didn't know why he'd taken off the priest's collar.

But Tiny Devlin did. Devlin is a video producer, an Athabascan from the Interior and a devout Catholic. For many years now, she has been helping to forge bonds between the church and her Native beliefs, organizing elders' conferences and producing films that emphasize the spiritual harmonies between Catholicism and traditional faiths.

"I always wondered why Bob was not saying the Mass or other things that priests do," Devlin said. "He was angry at the church for a long time, but it was hard to get him to talk about it.

"Then one day, just a few months ago, he asked me about things that were going on and I told him about the elders' conference and that it was happening. All those things that had been going on inside himself for years were really happening."

Tears began to stream down Devlin's face. "He said, 'Why was all this happening without me?' He'd been in the desert for so long spiritually. Trying to deal with it. Bob as Native person. Bob as priest. The battle we've all been fighting was in himself. He'd wondered, 'Did I have to stop being Native?' And it seemed he did. At least for a little while."

Devlin and others who knew him said something seemed to change in Corrigal after that. He seemed at peace. The conflict of cultures that had used his soul for a battleground seemed to have laid down its arms.

In his last months, he came back to his Jesuit brothers for companionship.

"His role was prophetic in many ways," said Father Jim Laudwein, Jesuit Superior in Alaska. Laudwein was Corrigal's boss, yet let him stray from a more traditional priest's role.

"There are always going to be those in the order who are, well, on the fringe," Laudwein said, smiling. "Bob was like that. I think he saw things that many of us didn't see or didn't hear. In reflecting, I think Bob was on the cutting edge of the change that's happening now. And he was still doing things in a very priestly way."

Many of Corrigal's friends say he was born 20 years too soon to be the kind of priest he wanted to be. Unadorned and simple. Not to be held in awe, but to minister aid and charity.

"He didn't want to be identified by one label or another," said Bichsel. "He wanted to be Bob Corrigal first, and all those other things, too."

14—Northland News, Fairbanks, Alaska, August 1986

Widespread poverty may force Natives to sell stock after 1991

By JENNIFER BRICE
Staff Writer

FAIRBANKS—A report commissioned by the Alaska Federation of Natives says that widespread poverty among Natives in Alaska may force many to sell stock in Native corporations after 1991.

The report by the Institute of Social and Economic Research in Anchorage found that Natives constitute about 40 percent of statewide enrollment in public-assistance programs that give cash payments or non-cash benefits to households and individuals.

All of the programs have strict limits on the amount of assets applicants may possess. Generally, those who qualify may not have assets over $2,500 and, in some cases, must have less than $500.

In 1991, when Native corporation stock becomes available for sale, the shares may be valued as an asset and make Natives who own them ineligible for public assistance.

The problem was highlighted by Glen Johnson, a shareholder in the Bristol Bay and Choggiung Native corporations. In a letter to the editor of the Bristol Bay Times on June 13, Johnson wrote:

"Come 1991, if my wishes as a shareholder aren't met, I'm going to sell all my stock in both corporations for a combined total of a cheap $150,000. Believe me, there are major U.S. corporations that would be willing to pay that much to guarantee 'getting in on the action.' "

AFN was not surprised by the findings contained in the report, "Poverty and Public Assistance Among Alaska Natives," by Matthew Berman and Karen Pyle Foster of ISER.

According to Margaret Nelson, a spokeswoman for the group, AFN was aware that a connection existed between Native poverty and the sale of limited-entry fishing permits. For example, 21.3 percent of limited-entry fishing permits issued to Bristol Bay Natives by the state of Alaska after the limited-entry legislation was passed in 1973, were sold by 1983. Many of the permits were sold to non-Natives.

AFN is afraid the same fate will befall the 44 million acres of land Natives inherited in the Alaska Native Claims Settlement Act of 1971. The land is controlled by the regional and village corporations set up under ANCSA. When corporation stock becomes available for sale in 1991, AFN fears control of the land will be transferred from Native hands.

Most state and federal benefit programs require applicants to use up all their personal resources before becoming eligible for benefits. Thus, as many as 40 percent of all Natives may have to sell their stock in order to stay on public assistance.

AFN's proposed solution to this conflict is the 1991 amendments to ANCSA. The amendments propose that restrictions on the sale of stock remain in effect until the shareholders of a Native corporation vote to put an end to them.

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Whaling celebration

ISER RESEARCH SUMMARY

nstitute of Social and Economic Research, University of Alaska, Anchorage May 1986, R.S. No. 3

Poverty Among Alaska Natives

Poverty among Alaska Natives is still widespread in 1986, as indicated by their reliance on public assistance programs: Alaska Natives make up about 40 percent of the enrollment in the state's core public assistance programs, although they represent only about 14 percent of the total state population.

These are among the findings of a report the Institute of Social and Economic Research recently prepared for the Alaska Federation of Natives. That eport examines currently available information on the size and distribution of benefits under various public assistance programs in Alaska, which is just one measure of poverty. Public assistance enrollments understate the incidence of poverty since many poor people cannot meet nonfinancial eligibility criteria, and others are eligible but do not apply for benefits.

Types of Programs

The report defines public assistance programs as those that: (1) make cash payments or provide im-ortant non-cash benefits directly to individuals, households, or families; and (2) have explicit income limits that identify them as being just for low-income Alaskans.

About twenty programs in Alaska fit those riteria. Of these, seven core programs are intended only for the neediest Alaskans and have strict income nd asset limits. The limits vary among programs, but roadly speaking, Alaskans who qualify cannot have ssets worth more than $2,500 and in some cases are limited to assets of less than $500. Table 1 shows enrollments in and funding for Alaska's seven core ublic assistance programs in fiscal 1985.

Native and Non-Native Recipients

Rural areas of Alaska—where only a small share f the total state population lives—have a dispropor-onately large share of public assistance recipients. ince most rural residents are Natives, heavy rural reliance on public assistance is a sign of heavy Native reliance on public assistance. And even in the largest rban areas of the state, where Alaska Natives make up only about 5 percent of the total population in the 1980s, they account for between 20 and 30 percent of enrollment in the core public assistance programs.

Table 1

Alaska Enrollments and Funds Disbursed in Selected Public Assistance Programs, Fiscal Year 1985

Program	Case Units	Average Monthly Enroll.	Total Funds ($ thousands)	Average Annual Benefits per Case ($)
Aid to Families w/ Dependent Children	Families	5,858	44,348	7,532
Medicaid	Individuals	25,000[a]	61,540[c]	2,462
Adult Public Assistance[b]	Individuals	5,446	13,306[c]	1,578
Supplemental Security Income[d]	Individuals	2,052	546	206
Food Stamps	Households	8,253	22,042	2,839
General Relief	Households	610[a]	537	880
General Relief-Medical	Households	3,990[a]	10,260	2,571

[a] Estimated annual enrollment.

[b] Figures for February 1985. Includes Old Age Assistance, Aid to the Disabled, and Aid to the Blind.

[c] Appropriated funds; expenditures typically exceed appropriations.

[d] Data for just December 1982, the most recent available figures.

Sources: State of Alaska, Division of Public Assistance, U.S. Social Security Administration.

Table 2 shows recent Native and non-Native enrollment in the Aid to Families with Dependent Children (AFDC), Medicaid, Adult Public Assistance, and Food Stamp programs in Alaska. Native families and individuals account for 40 percent of AFDC recipients, 41 percent of Medicaid beneficiaries, 55 percent of Adult Public Assistance recipients, and 36 percent of food stamp users.

Comparing those recent enrollments in certain programs with 1980 census figures on families and individuals receiving public assistance provides a very rough measure of trends in public assistance enrollments. In 1980, Native families represented 16 percent of all Alaska families receiving public assistance, and individual Natives made up 28 percent of all individuals not living in families and receiving public assistance.

So the proportion of Native beneficiaries among all beneficiaries seems as great or greater in 1986 than it was in 1980. This large Native share of public assistance enrollments has persisted, even though the overall number of Alaska households receiving public assistance appears to have increased substantially in the 1980s and despite Natives making up a smaller share of the total state population in 1986 than they did in 1980.

Table 2

Native and Non-Native Enrollments in Selected Alaska Public Assistance Programs, 1985-1986
(in Percentages)

Program	Native Enrollment	Non-Native Enrollment
Aid to Families With Dependent Children	40%	60%
Medicaid	41%	59%
Adult Public Assistance*	55%	45%
Food Stamps	36%	64%

*See note b, Table 1.

Source: State of Alaska, Division of Public Assistance.

Implications of Public Assistance Levels

Enrollments in public assistance programs are just one measure of poverty among Alaskans. Evidence indicates that a substantial share of those who could qualify for public assistance do not in fact apply. Alaska's economy has completed its latest surge of growth, and state government spending throughout Alaska is expected to drop off sharply. That projected decline in public spending is certain to mean fewer jobs and other income earning opportunities for rural Alaskans in particular—which in turn will increase poverty and increase the need for public assistance.

Poverty among Native Alaskans remains widespread despite the fact that Alaska Natives since 1971 have received nearly $1 billion and 44 million acres in settlement of their aboriginal land claims. Those lands, which are managed by Native corporations, are the main lasting benefit of the act for all Alaska Natives, including those who are poor and dependent on public assistance for their basic needs. Natives share in land ownership through ownership of corporation stock.

It is possible that many low-income Natives may be forced to sell their corporation stock or lose their public assistance benefits after 1991, when the stock becomes transferable and gains market value. Holding valuable stock could make low-income Natives ineligible for core public assistance programs, which set strict limits on the value of assets recipients can hold. These distress sales of stock could dissipate the value of the settlement not only for low-income Natives but for all Natives.

This Research Summary is based on **Poverty and Public Assistance Among Alaska Natives** *by Matthew Berman and Karen Pyle Foster. Copies are available for 10 cents per page from ISER, 707 A Street, Suite 206, Anchorage, Alaska 99501, telephone (907) 278-4621.*

RESEARCH SUMMARY (No. 31)
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C-11 Anchorage Daily News Wednesday, June 15, 1988 forum

How long must Natives continue their eternal wait?

By LOU JACQUOT
and DAVID SINGYKE

COMPASS
POINTS OF VIEW FROM OUR COMMUNITY

In a broad sense, education can be seen as the method used by the older generation to pass on to the younger generation the values and traditions of their culture. It's the means by which all societies strengthen the positive within their culture and cast aside the negative.

In a relatively isolated society, cultural change is slow. Members of such a society are generally quite conservative about change, and any adjustments that occur, either in technology or customs, are minor and take place over long periods of time. Isolated society, however, is vulnerable when it meets a dominant, more aggressive and determined people who are not hesitant to impose their ways on others.

Thus, western values have, through the formal education system in rural Alaska, dislodged many of the values of the villages and small communities.

But the "dominant" western culture is itself disoriented, divided and subject to change from decade to decade rather than from generation to generation.

For example, note the changes that took place between 1950 and 1960 and between 1970 and 1980. In the big cities, the erosion of society can be seen by an increase in homeless, violent crime, drug trafficking and addiction and the spread of AIDS. Justifiably, many Natives are uneasy about this unstable society.

Picture a traditional, subsistence-oriented people who had, until recently, been relatively comfortable and had survived a harsh environment for centuries with few health problems and little crime. They had been members of a very efficient, self-maintaining culture.

Now they are dependent on outsiders who have enveloped them and changed their way of life. The new people are dynamic and aggressive. They appear to be everywhere — they also apparently possess unlimited power.

The outsiders seem to have all the answers — even when there aren't questions — but the answers vary according to whom is talking. For example, every year there are new teachers and new school district executive officers giving new answers. The majority of Alaska's 22 rural school districts are staffed by outsiders. There are only a sprinkling of Native teachers and even fewer principals and superintendents.

There are two reasons for this situation. The first is Natives aren't encouraged, prepared or recruited to fill such roles. The second — and more important — is that those in power do not wish to move aside and let local people in. There is a "closed shop" atmosphere and those in power intend to keep it that way.

The progression of alcohol and other drugs, violence, accidents and suicide that are part of every day village life is evidence of massive cultural upheaval. With no one to teach them that independence can only be achieved through responsibility, it is all too easy for the young to become entrapped in the easy "fix" of running away from it all through alcohol, drugs, violence and even suicide.

Consequently, to many Native youth: "The end is now!"

There are no easy answers to the problem of the miseducation of Native youth. It will take time and intelligent people to find solutions. The first step that must be taken is for people to look boldly and honestly within to see if they think a problem exists. If so, are they interested in doing something about it? If they are, then they must start immediately.

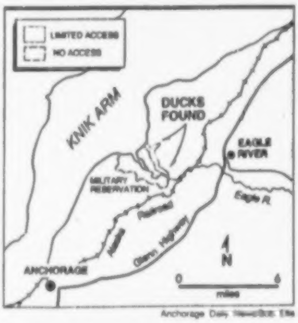
The ideal would be to educate people so they may select the features of western society and those of their own that will benefit them most. People in the greater society must be willing to make room for those of the affected society, and must give them responsibility.

Today, few Natives are in responsible positions in the education system, law enforcement (either state or metropolitan), the judiciary or the university system. Indeed, it has taken slightly over eight generations (almost 250 years) from the first intrusions of white explorers to educate, accept and appoint a Native National Guard major general and a Native head of the Department of Education.

Is there somewhere an overlooked rule that says apprenticeships must be as long as eight generations? With a majority of Native youth holding little hope for the future and finding little meaning in their lives, even one generation is an eternal wait.

☐ **Lou Jacquot (Tlingit) has education degrees from Western Washington University and the University of Oregon. He works with the Anchorage School District. David Singyke (Yupik) has a degree in Journalism and Public Communications from the University of Alaska Anchorage. He works as Chief Scribe for the Alaska Native Health Board.**

WHY ARE THE BIRDS DYING?



Anchorage Daily News/Bob Ellis

U.S. Fish and Wildlife Service photo

Charting the toll: Biologist Jill Parker finds another dead bird in the flats range.

Biologists don't know

About 2,000 birds have died since 1982 in military range

By JOHN TETPON
Daily News reporter

After four months of intensive field investigations, five state and federal agencies said they have not solved the mysterious deaths of about 2,000 migratory birds in the Eagle River Flats artillery range in the last six years.

An inter-agency task force press release Friday said searchers have found 148 dead carcasses and more than 500 feather piles indicating additional deaths of birds and ducks.

Friday, U.S. Fish and Wildlife biologists found 30 more dead carcasses, bringing the summer dead bird count to 178 to date.

"Counting the feather piles, a total of 700 birds may have died in the last four months," said Bruce Batten, a U.S. Fish and Wildlife official who participated on the search. Ground searches will continue through September, he said.

An estimated 2,000 birds have died on the firing range since 1982, when dead waterfowl and other birds were first noticed, Batten said.

Photographs taken recently by Batten showed feathers of dead birds littering the edges of craters where live rounds had exploded. However, recent autopsies have

See Back Page, BIRDS

BIRDS: Mysterious deaths

Continued from Page A-1

ruled out physical trauma, Batten said, as well as disease or lead poisoning.

Because unexploded live rounds called duds may litter a large portion of the range, military authorities have restricted ground searches to a "limited access area" along one side of the artillery range.

Carcasses counted and recovered this year have come from that area only, Batten said.

The Eagle River Flats artillery range is an 11,200-acre wetlands area near the mouth of the Eagle River. It has been used as a live-fire training area by the military for decades.

The U.S. Army conducts live-fire training on the flats several days a week, Batten said.

Chuck Canterbury, an Army spokesman, said the military does not use chemicals on the range, although white phosphorous rounds are used in live-fire training. Batten has said phosphorous is one of the potential causes being considered.

The scope of the problem has prompted state and federal officials to join forces to find out why the birds are dying.

The Eagle River Flats Task Force, consisting of representatives of the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, the U.S. Army, the Alaska Department of Fish and Game and the Alaska Department of Environmental Conservation, began sending investigative teams into the area this spring.

Almost all the dead birds are ducks, half of which are pintails. Others included a swan, a bald eagle and sandpipers, a task force press release said.

"Our ground searches have left no doubt that birds coming into the area are still dying by the hundreds," said Robert Bowker, a U.S. Fish and Wildlife official who heads the task force.

"And though we still do not know the cause of death, we are narrowing down the possibilities — it is not disease."

Twenty carcasses sent this summer to the U.S. Fish and Wildlife Service's National Wildlife Health Laboratory in Madison, Wisc., ruled out infectious viral or bacterial disease, traumatic physical injury, botulism or lead poisoning as a cause of death.

Batten said the task force also plans to send carcasses found on additional searches to a U.S. Fish and Wildlife research center in Maryland, which will analyze them for toxic agents. A full report is due in October.

Biologists have identified 75 different species of birds that have used the area this year, including waterfowl, shorebirds and songbirds, Batten said.

The task force has stressed that the area being examined is on Fort Richardson and is off-limits to the public, including hunters.

Peninsula Clarion

Controversy in the air at Unocal

☐ Disputed reports that Unocal Chemicals is rated high enough to make the Superfund cleanup list, controversy over proposed air emission standards and questions over just what exactly is at the plant and where it goes all boil down to one main question in Nikiski: is people's health being affected?

Many local residents believe it is and have complained to the Alaska Department of Environmental Conservation about such problems as asthma and breathing the irritating smell of ammonia.

Unocal management says that not only are its emissions within federal and state standards, its current emissions of urea and ammonia are not harmful — with the ammonia levels around the plant often lower than a home kitty litter box.

The company has been reporting its emissions and its spills to the DEC and the U.S. Environmental Protection Agency for many years.

There are several reasons why the controversy is coming to a head at this time. First, the final Superfund report completed by Tryck, Nyman and Hayes entitled, "Suspected Uncontrolled Hazardous Waste Site Inspections," prepared for the DEC in conjunction with the EPA's investigation into potential Superfund sites — for which a special federal fund has been established — has just recently become available.

Second, the company's National Pollutant Discharge Elimination System (NPDES) permit is up for renewal — the permit which outlines what the company can put into Cook Inlet. Plus exactly what materials the company has at its plants has become a matter of public record as of July 1.

Third, the company is on the DEC's list for the special appropriation cleanup, in which DEC officials will oversee the company's cleanup operations.

And fourth, the DEC's proposal to increase the opacity standard on the urea prill tower, coupled with a decrease in urea grains in the air and in the amount of ammonia allowed into the air, has brought a cry of foul from both the area residents and the company.

The fact that the groundwater beneath the plant has been contaminated by ammonia, sulfinol and arsenic that is seeping out of the bluff into Cook Inlet has been widely known.

But some other facts have only recently become known as a result of a perusal through DEC records.

Although the Superfund report was recently made available, the draft Hazardous Ranking System (HRS) score, which determines whether the site must receive priority attention by EPA, was excluded from the report because the number was still a "draft," not yet approved by EPA in Washington, D.C.

Carl Reller, the former DEC employee in charge of the investigation, and all Superfund investigations in the state until he quit in December, said the score as proposed by the contractor was 22.98.

That score, well below the required 28.5 for the priority list, did not include the company's air emissions, and Reller said EPA told the DEC that air emissions would have to be included.

Reller, an environmental engineer who now works for the Alaska Center for the Environment because he claims frustration with DEC lack of enforcement, calculated the score with the air emissions himself. The necessary raw data, he said, is included on the back pages of the report, and the Federal Register provides the instructions for calculating the score, including air emissions. "A sixth grader could do it," he said.

His calculation brings the score up to 32.39. A site, however, doesn't get on the National Priorities List until the report and draft score are reviewed by a company called the Mitre Corporation, and officially approved by the agency. There are approximately 1,000 sites on the list throughout the country.

But Unocal management disputes the use of air emissions as part of the score. Keith Laurie, in charge of permits for Unocal, said both the Superfund report contractor and DEC agree air emissions from an operating plant don't count toward a superfund ranking — particularly when those emissions are within state and federal guidelines. He said the intent of air emissions in the ranking system is to account for measurement of volatile organics or other pollutants seeping up from the ground.

The main focus of attention among residents in Nikiski has been the quality of the air. Marie Becker, whose 10-year-old daughter recently became afflicted with asthma, puts the blame squarely on the poor air quality from the refineries in general, Unocal in particular. Her house, she said, is four miles from the plant — upwind according to the prevailing winds.

Her daughter's condition has become so bad, she said, she is often hospitalized. Yet away from home, she claims, the problem clears up.

Becker's articulate expression of her concern has sparked others to link their problems to the air. Plus DEC has received periodic complaints over the past few years about cars being covered with white dust, foam on Bernice Lake, a strong odor of ammonia, and etching of auto glass surfaces.

Ammonia is the primary pollutant which comes out of Unocal's stacks daily, and only a few states have standards for the amount of ammonia that can be put in to the air.

It is listed as "an extremely hazardous substance," in Unocal's report to the EPA, but Laurie explained it is only hazardous in extremely high doses. It is found in the air routinely and in most homes, particularly in homes with wet diapers or kitty litter. Anytime the odor of ammonia can be smelled it is far higher than the new proposed state standard, Laurie said.

New CERCLA (Comprehensive Environmental Response Compensation and Liability Act) reporting requirements reveal that Unocal last year released 30,200,000 pounds of ammonia into the air, and will probably again this year. The ammonia is measured by knowing how much the gas weighed when it was a liquid, before it was released. It boils at extremely low temperatures, so evaporates when it comes in contact with the air.

While that averages out to about 40 tons per day, there are occasional spills that occur through the year. One such spill occurred on July 2, according to a required notification to DEC, and released 30,000 pounds into the air. Bill White, manager at Unocal, called the event a "controlled upset," in which, because of equipment problems, the ammonia was manually vented into the air.

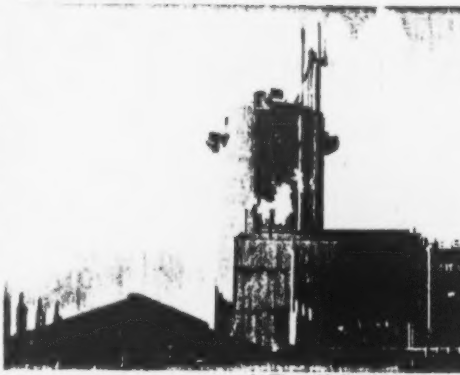
Anytime such events occur that release more than 5,000 pounds into the air, they must be reported. If more than 100 pounds of ammonia are spilled on the ground, it must be reported.

Other spills, according to DEC records have been: 6,000 pounds on Feb. 18; 10,000 pounds on Dec. 30, 1987; 15,000 pounds on Oct. 2, 1987; 16,000 pounds on June 3, 1987; 40,000 pounds on July 18, 1986; and 80,000 pounds on April 13, 1985.

The company has three ammonia monitors, one at the southeast corner of the plant, one on the northwest corner, and one northeast of the plant across the highway on Miller Loop. It is required to report when the monitors show more than 25 parts per million of ammonia for more than 30 minutes.

During the July 18, 1986, spill, 50 ppm were registered at one monitor. While most days don't register enough ammonia to report, there are days when normal operations cause the monitors to go above 25 ppm. For example, on Dec. 16, 1986, the northwest monitor registered 50 ppm, while no spill was reported that day.

A chart distributed by the DEC puts the parts per million into perspective. More than 500 ppm causes immediate danger to life and health. More than 100 ppm causes irritation of the respiratory tract. The National Institute of Occupational Safety and Health recommends 50 ppm as the five-minute exposure limit. The American Conference of Governmental Industrial Hygienists recommends 35 ppm as the 15-minute occupational exposure limit. The Navy's limit for continuous exposure in submarines is 25 ppm, and the complaint threshold among exposed workers generally is in the 20 to 25 ppm range.



A prill tower at the Unocal plant in Nikiski.

DEC is proposing 20 ppm for the 15-minute Alaska Ambient Air Quality Standard, and .5 ppm as the eight hour standard.

Most states, including California where Unocal's sister plant is located, have no standards for ammonia in the air. But seven do according to the DEC. Florida, Connecticut and South Dakota all have .5 ppm as their eight-hour concentration. Nevada has .598, and Virginia, Wyoming and Massachusetts' standards are similar, based on different time periods.

While both Laurie and White agree Unocal's ammonia emission are probably greater than they should be, and that the company is working to reduce those emissions, .5 ppm off site is so low, they're not sure there's equipment available to monitor it. White added that there is 100 years of health data to back the claim that small amounts — larger than .5 ppm — cause no health problems.

The proposal also caught the company officials off guard. While DEC had mentioned the possibility of setting a standard a year ago, Unocal officials were never contacted for their input into what the standard should be.

Last year, White said, Unocal spent $8.5 million updating an ammonia plant and reduced the company's emissions from 50 tons per day to 40 tons per day. One of the urea plants is a major source of ammonia, and the firm is now undergoing a major revision on how it works that plant, White said, to bring down the emissions.

He added that the ammonia which does rise into the air has the potential for reacting with the sulfur and nitrous dioxide emissions of other plants to form the natural fertilizer ammonium sulfate or ammonium nitrate — also formed by lightning.

Ammonia is just one emission. The other major emission is urea dust, which, Laurie claims, when breathed is merely passed through the body.

For several years, the company has been in violation of the opacity standard — how much light is passed through — on its plumes from the prill tower, where urea pellets are made.

Based on a consent agreement with the DEC, the company is currently installing equipment designed to get rid of the smaller dust particles — which make the plume look thicker — by revising the prilling process. The design is brand-new, developed by Laurie.

Then the DEC, last week, announced the adopted standard would include a cap of .035 urea parts per million — the amount cited by Unocal as the proximate equivalent to 40 percent opacity. The DEC also raised opacity to 40 percent, from 20 percent. The previous grain cap had been .1 ppm.

But the new process, while reducing opacity, may not reduce the actual grains. The prill tower has been averaging .034 ppm, but they cannot guarantee it won't go above that, and Laurie and White believe the unexpected standard was the result of DEC's desire to placate Nikiski residents because of past problems in which DEC was perceived as siding with industry.

There are other substances at the plant that could be considered more harmful, and which are listed in the company's CERCLA report.

A total of 18,000 pounds per year of 1,1,1 trichloroethylene, a degreaser found in spray cans available in auto parts stores, is evaporated at the plant. An additional 2,500 pounds is included as part of the waste stream into Cook Inlet.

The compound is considered a carcinogen.

Laurie said that while there are a few drums of the substance used, most of it is used in the form of spray cans, and there is no way to account for where it goes.

While 1,1,1 trichloroethylene is considered a hazardous waste, according to Dave DiTraglia with DEC, if the waste is evaporated — unless on purpose — there's no regulation accounting for it.

The 2,500 pounds throughout the year into the waste stream is so small, Laurie said, it wouldn't be detectable.

The presence of 1,1,1 trichloroethylene, a chlorinated solvent, is tested in waste oil by finding the amount of halogens — chlorine, bromines, florines. Halogens have been found in the company's waste products and waste oil. Usually, the amount is from 300 to 900 ppm, although one sample, in the fall of 1986, was 1,714 ppm of halogens.

While anything more than 1,000 ppm of halogens makes the waste a hazardous waste, a loophole in EPA standards allows the waste to be burned in an industrial boiler as a fuel, Laurie said, because no standards have been set for industrial boilers. When burned, the chlorinated solvents and halogens form hydrochloric acid and chlorine gas.

Bill MacClarence, DEC air quality engineer, was unaware of the 1,714 ppm report, and unaware of the EPA loophole. He said he was pursuing it, and Laurie said he suspected that a future permit will probably require closer scrutiny of the amount of halogens in the waste oil and oxozolidone, a harmless waste product from the urea process.

Another hazardous product burned in the industrial boiler is arsenic, also contained in the oxozolidone. Tests were done to show the arsenic emission at the stack is far below what is required — mostly because arsenic doesn't burn. White said that once a year the inside of the boiler is scraped and the soot and arsenic is barreled up and sent to Oregon to a hazardous waste dump.

One incident involved a spill of 710 gallons of UF-85, urea formaldehyde. The spill was cleaned up and put into the company's effluent ponds, and at least 346 gallons were discharged into Cook Inlet. White said the company believed it was part of the NPDES permit and the required Best

See UNOCAL, page 25

...Unocal air

Continued from page 24

Management Practices plan. An employee called in the discharge, and EPA disagreed with Unocal's interpretation of the permit and called a halt to the practice.

But the EPA does allow the company to discharge other things into Cook Inlet, and is currently revising the permit with about the same amounts of discharges, but with improved Best Management Practices.

According to Kerrie Schurr, with the EPA, the biggest discharge is ammonia — 1,952 pounds per day average, with a daily maximum of 3,863 pounds.

Discharges of organic nitrogen from the urea plants is 2,850 pounds per day for a daily maximum of 5,330 pounds.

There is also oil and grease allowed in the discharge — 150 pounds per day or a daily maximum of 300 pounds.

Schurr said the new permit will probably require toxicity testing of marine organisms subjected to the effluent. The public has until Aug. 25 to comment on the draft permit, which can be viewed in EPA's Anchorage office. The permit review period was advertised in the Anchorage daily papers.

White commented that almost all of the information being used against the company is the result of Unocal abiding by reporting requirements — in other words, being a law abiding company.

Its own ground water problem was found back in the 1970s as a result of the company's soil sampling to put in another plant. The contamination was then reported to the state.

The company is currently cooperating with the DEC in conducting a groundwater characterization to determine the flow and whether the lower confined aquifer has an impermeable clay layer protecting it from the currently contaminated upper aquifer.

Then it plans to work with the DEC in addressing whether the seepage into Cook Inlet should be cleaned up, or whether the seepage is in reality not significantly more than the company is permitted to discharge into Cook Inlet.

The DEC also plans to determine the cause of the acres of dead trees across the road from the plant. Laurie said the company believes the dead trees were the result of an early accident in which ammonia carbamate was released, stressing the trees and making them more susceptible to beetle infestation.

He added ammonia carbamate release is no longer possible.

Clarion
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Personals
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Cleanup costs for Kenai refuge will exceed $30 million

ADN 8-12-88

By RONNIE CHAPPELL
Daily News reporter

KENAI — The operators of the Swanson River Oil Field will spend more than $30 million to clean up a low-level toxic waste spill in the Kenai National Wildlife Refuge.

That's an increase of more than $23 million over the original cost estimate, said ARCO Alaska cleanup manager Jim Ives. The cost has increased because the amount of contaminated soil that must be purged of polychlorinated biphenyls (PCBs) is far greater than first thought.

"It's hard to justify spending that much money when most of the material is of such low concentrations. There's almost no risk associated with it." But because it's on a wildlife refuge, it must be cleaned up, he said.

PCB-contaminated gravel was spread on roads in the oil field as a dust-control measure. Company officials say workers were not harmed by their minimal exposure to the chemical. The oil field is miles from the nearest private residence.

The manufacture of PCBs, which accumulate over time in living organisms and in the environment, has been banned by the federal government. The toxic chemical is a suspected carcinogen and federal law requires concentrations of 50 parts per million or more to be disposed of in licensed hazardous waste sites.

Originally, company officials estimated that 15,000 tons of contaminated soil would have to be treated in a high-tech incinerator known as a circulating bed combuster.

More than 65,000 tons of contaminated material has been stockpiled and the total could reach 70,000 tons, Ives said. Less than a fourth of the excavated material exceeds the 50 part per million standard. The company was required to excavate soils containing as little as 12 parts per million.

The extent of the cleanup was dictated by the U.S. Fish and Wildlife service and has been monitored by the Alaska Department of Environmental Conservation and the U.S. Environmental Protection Agency.

The incinerator has been erected on a temporary site within the Swanson River Oil Field. Company officials hope to load it with clean soil and fire it up within the next two weeks.

If the "shakedown" firing is a success, Ives said, federal regulators will arrive in September for a five-day test burn of contaminated soils. The test burn is required before the EPA will issue a permit for operation of the incinerator. Public hearings will be held before and after the test.

Company officials expect all to go well.

Tests of a similar, smaller unit in California were a success, Ives said. The process, which runs at 1,600 degrees Fahrenheit, will destroy 99.9999 percent of the PCBs contained in the contaminated soil, he said.

See Page C-3, PCBs

PCB: Cleanup is costly

Continued from Page C-1

"You end up with carbon dioxide and water," Ives said. "Limestone is added to combine with the chlorine (freed from the PCBs) and that forms calcium chloride, an inert salt that comes out with the purified soil."

After treatment, PCB concentrations in the soil cannot exceed two parts per million, Ives said. Each batch of treated soil will be tested. If PCB concentrations have been reduced to the required level, the sterilized earth will be buried on refuge.

"At a rate of five tons per hour, it will take us close to 22 months to process 70,000 tons" of contaminated soil, Ives said. The cleanup will provide steady, temporary employment for about 50 people.

Although ARCO Alaska is responsible for the PCB clean-up, the company is not responsible for the spill which occurred while Chevron USA was operator of the Swanson River Field.

The first spill occurred during a 1972 compressor explosion. Pipes in a heat exchanger ruptured, spilling a liquid containing PCBs on the ground. The oily gravel was removed and stockpiled. At the time, PCBs were not classified as a hazardous material.

Years later, the contaminated gravel was used for dust control on heavily traveled roads within the oil field. At the time, no one knew the gravel was contaminated with PCBs.

The toxic chemicals were discovered during a federal study of the impact of oil development on the refuge.

8-13-88

Anchorage Daily News

Spilled oil fouls fish in Inlet tidal currents

By HAL BERNTON
Daily News reporter

Oil from an unknown source is floating in the tidal rips of Cook Inlet, coating debris that has fouled fishermen's nets and contaminated 1,400 pounds of salmon.

Coast Guard and state officials say the oil — first reported Monday by commercial fishermen — has been spotted on debris strewn about the Inlet. Almost all of it is collected in tidal rips that stretch for more than 20 miles.

"It's nothing that cleanable, really just scattered (oily) debris," said Lt. Cmdr. William Morani, an executive officer at the Coast Guard's Anchorage Marine Safety office. Morani, as well as state Department of Environmental Conservation officials, said they had no estimate of the size of the spill.

Both Coast Guard and state officials say the oil spill is much smaller than the 125,000-gallon spill that leaked into the Inlet last July 2 from the tanker Glacier Bay. That spill created long slicks that forced a temporary closure of the salmon harvest and prompted a major cleanup effort that cost more than $1.5 million.

This year's spill has creat-

See Back Page, OIL SPILL

OIL SPILL: Source unknown; damage is measured in nets and salmon

Continued from Page A-1

ed no slicks, only oil clumped around sticks and other debris.

"It appears to be relatively small amounts of very black oil," says Lester Leatherberry, a Soldotna-based state official. "It could either be a heavy lubricating oil or perhaps Cook Inlet crude oil."

Leatherberry said the oil might have come from a boat pumping out its bilge or perhaps an oil tanker. "It might have been a number of small discharges .. We don't know."

Failure to report an oil spill is a federal offense that carries fines of as much as $10,000 and jail terms as long as a year. State and Coast Guard officials both say they don't have any leads on who might be responsible for the pollution.

The oil was first reported by driftnet fishermen harvesting the tail-end of the Inlet's salmon run during a Monday opening. It was coating debris in the rips -- the strong bands of tidal currents where salmon also frequently congregate.

Fred Blevins, a Kenai Peninsula fishermen, said he encountered the oil at 2 p.m. about four miles west of Nikiski. "I reeled back in (the net) ... My deckhand said 'What's this on our gloves.' They were just covered with oil," Blevins said Friday. "I looked around and there were sticks covered with globs of oil all 'round our boat."

The oil destroyed 900 feet of net that will cost more than $3,000 to replace, Blevins said.

Blevins said other fishermen 25 miles south of his boat also reported encountering oily debris. "You're looking at a major spill, not like last year's, but a major spill," he said.

Leatherberry, of the state Department of Environmental Conservation, said about 10 fishermen reported oil-fouled nets from the Monday opening, prompting state officials to monitor fish turned in to Peninsula processors.

About 1,400 pounds of salmon was rejected by Kenai-based Salamatof Seafoods, then confiscated by state officials who confirmed oil contamination. "There were very small amounts (of oil)," Leatherberry said "You really had to look for it."

The salmon was delivered by three fishing boats, Leatherberry said.

By Wednesday, Coast Guard and state officials had joined in flights to determine the scope of the pollution. They found no major concentrations of oil, but oily debris in all three of the major Cook Inlet tidal rips, Leatherberry said.

Some of the debris was gathered closely together, other debris was separated by miles of clean water. Debris also was found along the tide line on Kalgin Island.

Trying to clean up the debris would be a costly, time-consuming and somewhat futile task, said Morani. "It's not cleanable."

Morani said the oil appears to be weathering and dissipating.

Friday, the Inlet was open for another salmon harvest that will be monitored by state officials for oil contamination, Leatherberry said.

Blevins decided to stay home for the Friday opening. He didn't have a full set of clean nets, and with the season ending next week, it wasn't worth buying new ones, he said.

He says he's always thought the oil and fishing industries could co-exist on the Kenai Peninsula. But the polluter's failure to come forward has shaken his faith.

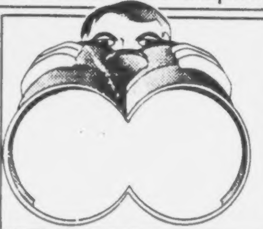
"When something like this happens, somebody has got to report it. If you don't, you're a criminal," Blevins said.

BILLY BRAWL, VERSION II: Police dispute Martin's story about scuffle, Sports, Page B-1

FIRE 'EM UP

Cooks warm up to grilled meals

Food, Page E-1



RECOVERY

Growth ahead, forecast says

Business, Page D-1

KNIGHT WORK

Indiana's coach looks at new job

Sports, Page B-1

Anchorage Daily News

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Study cites oil development damage in Arctic

Fish and Wildlife findings cause Department of Interior dispute, could affect ANWR debate

By PHILIP SHABECOFF
The New York Times

WASHINGTON — An unreleased preliminary report by officials of the Fish and Wildlife Service says oil development in northern Alaska has caused far more environmental damage than the government predicted.

The report, whose findings are a subject of dispute within the agency, says development of the Prudhoe Bay oil field and the trans-Alaska pipeline has been on a substantially greater scale than was envisaged in the government's environmental impact statements, prepared before the projects began 16 years ago.

Partly as a result, it concludes the projects have created substantially more air and water pollution and destroyed significantly greater amounts of wildlife habitat.

Among the report's findings are that 11,000 acres of vegetation used by wildlife at Prudhoe Bay have been lost, almost double what was predicted, and that most bird species in the area have declined in population, as have bears, wolves and other predators.

The report cites inadequate monitoring of environmental quality and lax enforcement of environmental laws on Alaska's North Slope.

Lawmakers and environmentalists said Tuesday that the report, prepared at the request of Rep. George Miller, D-Calif., could have a significant impact on the legislative debate over whether to open the Arctic National Wildlife Refuge, just to the east of Prudhoe Bay, to oil exploration. Environmentalists and some officials favor protecting the refuge as a pristine wilderness area.

A number of legislators also said the report showed how environmental impact statements, required under the National Environmental Protection Act as a means of assuring that government activities are environmentally sound, could seriously underestimate the potential damages of mammoth development projects.

Miller asserted in an inter-

See Back Page, OIL

OIL DEVELOPMENT: Disputed report cites damage in the Arctic

Continued from Page A-1

view Tuesday that the Interior Department, the wildlife agency's parent, had deliberately suppressed the report because it was damaging to the Reagan administration's efforts to quickly open the arctic refuge to oil exploration and development.

Philip Million, a spokesman for the Fish and Wildlife Service, denied that the report had been suppressed for political reasons. He said that it had not been released because of a disagreement between two of the agency's offices about the validity of its conclusions.

Miller said he asked the Fish and Wildlife Service a year ago for a comparison of the predicted and actual impact of oil development in Alaska so that Congress could use the information in evaluating whether to open the Arctic National Wildlife Refuge to oil development. Miller is chairman of the Water and Power Resources Subcommittee of the House Interior Committee, which shares jurisdiction over the arctic refuge. While he does not oppose development of the refuge, he has argued that greater environmental safeguards are necessary.

Although the report was completed last December, Miller was given only a brief summary then by the Fish and Wildlife Service, an account that, he said Tuesday, did not even begin to describe the problems listed in the full 86-page report. But he, Sen. William Roth Jr., R-Del., several environmental groups and The New York Times obtained copies of the document this week through unofficial channels.

The Associated Press

Rep. George Miller

Million, the wildlife agency's spokesman, said the full report had not been given to Miller because the service's regional office in Alaska did not concur with the findings and conclusions of the field staff that prepared it. The spokesman said that the report was a draft and that it would be revised. He declined to elaborate on the regional office's specific objections.

A statement by the American Petroleum Institute, a trade organization of the oil industry, said that association officials had not seen the report and could not comment on its specific findings. The statement added, however, that "research programs sponsored by the government, private institutions and the petroleum industry concluded that petroleum operations have not harmed the arctic environment."

"So far," the statement said, "more than six billion barrels of oil have been produced on the North Slope in an environmentally sound and safe way. It is a remarkable record. The petroleum industry cares about the special ecological and wildlife values of the Arctic and works hard and spends great sums to protect them. The record at Prudhoe Bay proves we have been good stewards of the land."

But among the findings of the report is that the quality and the quantity of North Slope freshwater was damaged more frequently and more severely than expected by sedimentation, erosion and oil spills associated with the pipeline and with Prudhoe Bay.

Meanwhile, unexpected expansion of oil production facilities into the Arctic Ocean damaged marine water quality, the report said. The long-term effects of this damage have not been evaluated, it said, but the decline in fish population has been greater than predicted.

The report found that construction and development activities had destroyed the habitat used by more than 20,000 birds and that the populations of most bird species had declined. Only a few species, such as snow buntings, have increased, the report said.

The original environmental impact studies predicted that more than 6,000 acres of vegetation used by wildlife would be lost because of development. In fact, according to this report, 11,000 acres were actually lost. While efforts were made to mitigate the loss of plants of high value to wildlife, these efforts were largely unsuccessful, the report noted.

The impact statements did not predict any withdrawal of water from streams and lakes but, in fact, over 200 million gallons of fresh water a year are being used for oil-field operations, the report noted.

The impact statements did not predict any pollution from pesticides, but this report noted that "intensive" pesticide spraying had taken place at some of the oil company camps.

The report also said that in a number of cases the projections of the environmental impact statements had proved to be correct. It also noted that some of the environmental damage created by oil activity had been successfully corrected.

The number of caribou in the central arctic herd has increased since the oil projects began because wolves, bears and other predators in the area had been killed or pushed out, the report said. There has been a decline in the number of bears, Dall sheep and other large mammals because roads and air traffic have made the area more accessible to hunters, it said.

"Fish and wildlife habitat losses resulting from the construction and operation of the pipeline system and Prudhoe Bay oil fields were greatly underestimated in the environmental impact statement," the report concluded. It also stressed that long-term and cumulative affects of development on the arctic ecology and its wildlife had not yet been assessed.

The House Merchant Marine Committee and the Senate Energy Committee have already approved legislation enabling oil development in the National Arctic Wildlife Refuge.

The Interior Department and the oil industry have repeatedly insisted that oil can be extracted from the arctic refuge without significant damage to its fragile ecology and wildlife. The industry and the department estimate that there is a one in five chance of a major oil strike in the 1.5 million acre coastal plain of the refuge and that, if a strike is made, it could produce as much as 3.2 billion barrels.

Supporters of the development in the refuge say it is the last hope for a major on-shore oil strike in the United States. Such a strike, they contend, could ease dependence on foreign sources of oil and be an economic boon to Alaska and to the nation.

Environmentalists and their allies in Congress contend that the refuge and its wildlife, particularly the vast Porcupine caribou herd, would be irreparably damaged by the large scale industrial development needed to open and exploit a major oil field.

The oil industry and the Interior Department have repeatedly said that the history of the Prudhoe field and the trans-Alaska pipeline shows that oil development and environmental protection can be compatible in the far north.

Tuesday the environmentalists said that the Fish and Wildlife Service report disproves that contention.

"The report confirms that oil development has resulted in serious damage to wildlife and habitat on Alaska's North Slope," said Lisa Speer, senior scientist for the Natural Resources Defense Council, a national environmental group.

Roth, who has sponsored legislation that would protect the arctic refuge as a wilderness area in which any development would be prohibited, said in an interview that the Fish and Wildlife Service report "shows that the environmental impact is much more serious and extensive than we thought and only underscores the need for going ahead with a wilderness."

Peninsula Clarion May 2, 1988 Page 3

ARCO seeks permission for mud pit

By POLLY CRAWFORD
Associate Editor

ARCO Alaska wants to bury drilling muds near the Sterling Special Waste Site, so the Alaska Department of Environmental Conservation will be holding a special meeting from 7 to 9 p.m., May 19, at the Sterling Elementary School.

The drilling mud pit would exist in conjunction with the oil company's proposed "wildcat" exploratory well — Moose River No. 1. The company plans to begin drilling in June.

According to Barbara Britch, with ARCO, the drilling muds would be freshwater based, consisting almost entirely of bentonite, or clay. She said there would be no oil additives. She couldn't get the exact ingredients, but was assured by engineers the mud would contain "nothing exotic or polluting." In the company's waste disposal application it is stated, "Water pollution is prevented by use of the least toxic mud system which will safely allow the well to be drilled and by the closure method."

Britch said there had been a suggestion that ARCO use the Sterling Special Waste Site, but that suggestion was dropped because the Kenai Peninsula Borough is closing that site.

Britch said standard operating procedure is to keep the muds in a lined reserve pit during the drilling. Then, according to the company's waste disposal application, the muds would be dewatered, and the fluids injected down the annulus, or outer casing of the well, to a depth of 4,000 feet or more. Britch explained the company doesn't like to disclose the total depth at which it plans to drill because of competitors. She said there are several shale beds above where the fluids will be disposed, which will prevent any possibility of the fluids mixing with any aquifers.

The dewatered muds and cuttings would then be covered with a liner and buried at 10 to 12 feet. The pit will be approximately 150 feet long by 85 feet wide. The site will be visually inspected in three years, to make sure the site has remained stable and is in the process of revegetating, and again after five years, after which the site will be considered abandoned.

ARCO plans to drill a drinking water well to use at the site, but will go deeper than most of the residential wells in the area.

The disposal plan has already been presented to the borough Solid Waste Commission, which approved it.

EPA closes investigation of Alyeska

Agency says no action due against pipeline company

By PATTI EPLER
Daily News reporter

A four-year investigation into allegations of environmental violations by Alyeska Pipeline Service Co. has been closed and no further enforcement action will be taken against the company, the U.S. Environmental Protection Agency said Monday.

In a letter to Alyeska President George M. Nelson, the EPA said most of the violations at the company's Valdez terminal proved to be unintentional record-keeping errors or equipment problems, not a devious scheme to fool regulatory agencies or pollute the environment.

Moreover, EPA regional administrator Roble Russell said, changes in Alyeska operations ordered by the government in November 1985 appear to have cleared up most of the problems alleged by a Virginia businessman and commercial fishermen. Other practices that had been questioned will be taken care of in a new federal permit governing the discharge of oily wastewater from Alyeska's ballast water treatment plant into Port Valdez, the EPA said.

Nelson said Alyeska is pleased by EPA's decision. "It's not a surprise to us because we have said all along we know the allegations are groundless," he said.

See Back Page, ALYESKA

tem in Port Valdez is threatened. The Cordova District Fishermen United and other commercial fishing groups joined Hamel in urging the EPA and the Alaska Department of Environmental Conservation to more closely examine Alyeska's operations.

Scientific studies to date have not documented any serious pollution problems in Port Valdez or Prince William Sound. Alyeska says the studies are evidence that tanker and terminal operations have not left a mark on the environment. But commercial fishermen say the studies do suggest problems and they want more tests.

In the letter to Nelson, EPA detailed eight allegations and its findings on each point. The EPA said company records confirmed most of the allegations but that EPA has already dealt with most of those through its 1985 order.

One allegation was unsubstantiated and several others turned out to be unintentional acts on the part of Alyeska employees or problems with equipment, the EPA said.

"The recommendation resulting from this review is that no additional enforcement action against Alyeska is appropriate at this time," Russell said. "We arrived at this conclusion because the allegations could not be substantiated or have already been addressed by EPA and

devices "were frequently out of service, not working properly or just inaccurate."

- Test results of the discharge were falsified to conceal excessive pollution and permit violations; supervisors told employees to alter records and test methods that didn't conform to EPA standards. EPA said Alyeska and government records confirm that analytical methods and sampling procedures were not in accordance with EPA standards. But, the agency said, that was "due in part to improper procedures, inadequate equipment or insufficient skill on the part of the technicians."

"No evidence was obtained that data was falsified~~,~~ . . ." the EPA said. "However, inaccurate results were produced and figures reported to EPA were not representative of actual conditions at the terminal."

EPA said its 1985 order required Alyeska to implement a better testing program and quality assurance plan, and that there have been no procedural problems since October 1985.

- Incoming tankers brought ballast water contaminated with toxic chemicals. EPA said records indicate Alyeska personnel suspected the existence of foreign material in the ballast water, but no record of analysis of those loads of ballast water could be

se is closed

und. No record was found at Alyeska knowingly al- wed tankers to discharge rgos other than sea water ntaminated with crude oil, he agency said.

"Though there are indica- ions that this may have oc- urred, it would be very diffi- ult to prove at this point," PA said. Rather than pursue n expensive and likely fruit- ess investigation, EPA said, a new environmental permit will require tanker captains to certify that the ballast water has only crude-oil contaminants, and Alyeska must test the water if it suspects any unauthorized material.

- Toxic and hazardous substances were routinely disposed of in the treatment plant. EPA said the records confirm that toxic and hazardous substances from other parts of the Valdez terminal were routinely put into the ballast water treatment system. But new procedures established in 1985 at EPA's insistence provide an approved method for handling those materials, EPA said.
- Sludge and solids were reintroduced into the ballast water treatment system after they had been removed. EPA said the records confirm that the materials were routinely recycled, even after the state told Alyeska not to put them back through the plant. In 1985, EPA ordered Alyeska to stop recycling sludge and solids and the company has done so, the agency said. The new permit will include such a strict limit on the discharge of solids that recycling will be precluded, EPA said.
- The volume of ballast water flowing through the plant exceeded permit limits and, because meters were tampered with, violations were not reported. EPA said that allegation was unsubstantiated; the permit allowed Alyeska to move the water as fast as the design of the facility allowed.
- Alyeska moved ballast water too quickly through the plant so it didn't have enough time to settle. EPA said the permit didn't have a settling time requirement, but the agency said its 1985 order required Alyeska to address the effectiveness of the settling process, and the new permit indirectly requires a longer settling time.
- Unauthorized and unreported discharges from the treatment plant regularly occurred. EPA said records verified that large treatment basins overflowed on two occasions and there were frequent leaks through tears in basin liners. Alyeska said the discharges were reported to the Coast Guard and the DEC, but EPA said the company needed to report the discharges to them as well.

1-18-88 ANCH. DAILY NEWS

Oil development worries villagers

By JOHN TETPON
Daily News reporter

Villagers along the Arctic Coast fear proposed oil development on the Beaufort and Chukchi seas may forever change their subsistence and cultural lifestyle.

The federal government hopes to sell off about 8,000 offshore tracts to oil companies in March and May, nearly all of which are located on prime feeding areas of the bowhead whale, hunted by Eskimos as a vital part of their heritage.

One coastal village, Kaktovik, the site of recent Beaufort Sea seismic activity, already blames offshore oil exploration captivity for it not getting a whale during the 1987 spring hunt. Drilling noise scared them off, a spokesman for the village said.

But an Interior Department scientist who has studied the habits of the bowhead whale said there was simply too much sea ice in the way.

North Slope Borough attorney Tom Lohman, speaking for villages whose leaders are attempting to convince federal officials to protect the whales, said current guidelines for proposed oil and gas exploration are inadequate.

Native whalers fear oil development on the offshore tracts will cause irreparable harm to the migration habits and feeding areas of the prized whale. "It could also mean the end of whaling in certain villages," he said.

One of the borough's major concerns is that seasonal drilling restrictions, common on previous Arctic Ocean lease sales, have been excluded in the final environmental impact statements prepared by the Interior Department, Lohman said.

Seasonal drilling restrictions would stop oil exploration and development activity during whale migrations. Instead, the Interior Department is requiring oil companies exploring for oil on the migration route to use "site specific monitoring programs for bowhead whales."

That's not nearly enough, Lohman said.

"Standing on a platform with a pair of binoculars, watching for whales doesn't make a whole lot of sense to us," Lohman said. "Let's err on the side of the species."

To save whales and a whale-hunting tradition among Inupiat Eskimos, the

See Page C-3, VILLAGES

[illegible] 8-25-88

Meningitis program a ways off

BETHEL (AP) — It may be awhile before health officials begin any type of campaign intended to reduce the incidence of meningitis in the Yukon-Kuskokwim Delta region.

The Centers for Disease Control has said people in western Alaska suffer the world's highest rate of meningitis.

NOTICE OF CHANGE IN [illegible]

12-30-87 Anch. D.News

Indians were never compensated

I just read the Daily News story on reparation for the Japanese-Americans and Aleut Natives for their loss during World War II. Though I despise the way these people were treated at that time, I can't quite understand why we taxpayers now have to pay out over $1.25 billion for something that happened almost 45 years ago. If we are really worried about our past then we must get our priorities straight. The American Indians have suffered more from this government than any people on the earth and they have never been compensated for those sufferings. They are still suffering from our government's policies. If anyone should be compensated it should be them. The injustices continue every day throughout the reservations and no one seems that concerned. Is it because our Japanese-American citizens have a more powerful lobbyest working for them? The $1.25 billion could go a long way in helping the American Indians' economy, health care, housing and education. If American taxpayers must compensate for past deeds of our government then let's start where we should and try to right a grave injustice done to the original inhabitants of this country.

— *M. J. Morgan*

Anch. Daily News 8-24-88

Sitka police to be investigated

SITKA — The City and Borough of Sitka has hired a former state public safety commissioner, Richard L. Burton, to investigate alleged mismanagement in the Sitka Police Department. Police Chief John Newell has been criticized for alleged incidents of favoritism. Newell endorsed the probe. He said it will examine not only the accusations against him, but the workings of the entire department. The decision was announced by city Administrator Stuart Denslow. He said the municipal assembly approved the idea during a recent meeting that was closed to the public. The probe will cover all functions of the police department, but particularly its personnel system.

8-17-88 ADN

Group accuses U.S. of polar pollution

By **DAVID GOELLER**
The Associated Press

WASHINGTON — National Science Foundation bases in Antarctica are polluting the pristine polar environment in violation of U.S. laws and international agreements, the Environmental Defense Fund said Tuesday.

"The environmental practices of the NSF — the federal agency responsible for U.S. scientific research in Antarctica — would not be permitted anywhere in the United States," the group said in a report.

The findings by the organization, which frequently sues polluters in this country, include disposal of untreated sewage in antarctic waters, open burning and ocean dumping of other wastes and lack of emissions controls on diesel power generators.

The report said McMurdo Sound, adjacent to the largest U.S. installation, is more polluted than virtually any U.S. waterway and that highly toxic polychlorinated bi-phenyls and heavy metals are being found in the tissues of penguins and seals.

"It is incredible that these

See Back Page, ANTARCTICA

ANTARCTICA: Group says U.S. is guilty of pollution

Continued from Page A-1

practices are observed by the U.S. government in the most pristine environment in the world," said Bruce Manheim, the report's author and an EDF attorney and scientist. "Rather than addressing environmental threats in Antarctica, NSF has ignored them."

Jack Talmadge, head of NSF's polar coordination and information section, said that many of the report's findings are true, but he said the scientific agency is taking steps to improve its environmental practices at its four bases.

The report said the United States is not the only polluter among the 18 nations with bases in Antarctica. It noted, however, that Australia and Japan remove all wastes from the continent and that Poland and New Zealand treat sewage and control incinerator emissions.

The report said that if the United States did a better environmental job in Antarctica, it "would be in a much stronger position to press for more comprehensive pollution control by less-responsible nations."

EDF said the NSF operations, which include 1,000 people at McMurdo during the Antarctic summer months, violate U.S. laws regulating ocean dumping and land disposal of waste materials.

The landfill at McMurdo does not comply with the international Code of Conduct on Waste Disposal adopted in 1975, according to the report, which said NSF officials told a Senate panel last year that it was "in full compliance" with the code.

"We comply with most of the code except that provision," Talmadge said. "As far as we know, we are in compliance" with U.S. laws, he said.

The report said that NSF, despite a 1978 directive from Congress, has failed to assess the environmental impacts of its activities, including dynamite blasting and construction near Antarctic wildlife colonies.

"In 1980 ... NSF promised to issue pollution control regulations and to mitigate environmental impacts, but neither of these actions has ever been taken," the report said.

Talmadge said the scientific agency, which gets $125 million a year for its Antarctic activities, is in the process of adopting an environmental protection plan and may ask Congress for cleanup money.

"We have been doing pollution control, maybe not as aggressively as they'd like," he said. "We're making progress. We have been undertaking extensive efforts to clean up since 1980."

ADN 8-20-88

Reagan plans to meet with Indians

The Associated Press

SANTA BARBARA, Calif. — President Reagan is planning a White House meeting with American Indian leaders who protested his remark at the Moscow summit that the United States perhaps "should not have humored" the Indians, the White House said Friday.

The American Indian Action Group said presidential spokesman Marlin Fitzwater indicated Thursday that Reagan would "make good on his offer to meet with American Indian people."

Deputy White House Press Secretary Bob Hall confirmed Friday that Fitzwater told the group that the president's staff had been told to meet with the Indians to determine a date and time for the meeting.

The Indian group, which had previously announced plans to rally and walk to Reagan's mountaintop ranch north of here today, said in a statement it had "made a commitment" to the demonstration and would proceed with it.

Hall said the staff-level meeting probably would be held in Santa Barbara while Reagan is vacationing at the ranch. The meeting in Washington will take place some time after Reagan returns to the White House on Sept. 6.

On May 31, during his Moscow summit talks with Soviet leader Mikhail Gorbachev, Reagan told Moscow University students, "Maybe we made a mistake in trying to maintain Indian cultures. Maybe we should not have humored them in wanting to stay in that kind of primitive lifestyle. Maybe we should have said, 'No, come join us. Be citizens along with the rest of us.' "

Congress granted American Indians full citizenship in 1924. It was not until 1948 that a court decision gave them full voting rights in Arizona and New Mexico.

Marine pollution a problem in Alaska

ANCHORAGE (AP) — The waters off New Jersey and the Gulf Coast aren't the only ones littered with marine debris. As many as 50,000 northern fur seals are dying each year after becoming entangled in fishing nets in the Gulf of Alaska and the Bering Sea, researchers say.

Officials with the Alaska Sea Grant College Program at the University of Alaska Fairbanks have been conducting workshops and public awareness programs about the consequences of marine pollution.

The Sea Grant Program is part of an interagency group which, along with private industry, has been working on ways to reduce plastics and other junk in the ocean.

Unlike Lower 48 shorelines, which have been in the news this summer with wash-ups of toxic chemicals, raw sewage and hospital wastes, Alaska's problem is mostly the tons of fishing gear lost or dumped from fishing vessels, officials said.

Since researchers began paying attention in 1972, there's been roughly a 10 percent increase in the amount of debris found washed up on Alaska shores, officials said.

"Most of what we're finding is derelict fishing gear, prmarily trawl web, floats and plastic strapping bands," said Scott Johnson, a fisheries biologist with the National Marine Fisheries Service lab in Auke Bay, near Juneau.

Floating debris accounts for 60 percent of the stuff washing up on Alaska's coastlines, he said. The rest includes styrofoam cups, plastic bottles and other containers ranging from milk jugs to metal gas cans, he said.

"You clean a beach up and come back in a year and there's as much or more as when you last cleaned it up," Johnson said.

Plastic debris is especially troublesome because it is strong, lightweight and disintegrates slowly, Johnson said.

That makes it great for fishing nets, rope, buoys and monofilament line. The flip side, however, is that it can wreak havoc on marine life, officials said.

"Seals, walruses, sea otters and other marine life see them (nets) as objects of play, or use them to haul out on or feed from," said David Laist, a policy analyst with the Marine Mammal Commission. "Animals are attracted to them and they may get caught in them."

Untold thousands of seabirds also die of starvation after eating pieces of styrofoam and plastic, officials said.

"Their stomachs tell them their full, but they really can't digest any of it," said Robert Day, an ornithologist at the Institute of Marine Science at the University of Alaska Fairbanks. "Eventually, some of them die of starvation."

Day said he has discovered resin pellets used in the manufacture of various consumer products in the stomachs of 15 of Alaska's 37 seabird species.

You'd expect Alaska to be much lower," Day said. "Alaska is pretty remote from most manufacturing sites, so you'd expect a pretty clean environment, but 32 percent of the birds I sampled had plastic in their stomachs."

Congress is developing restrictive new legislation dealing with marine pollution, and the plastics industry also is helping out, officials said.

Voters won't face many issues

8-12-88 ADN

National Marine Fisheries Service photos

A northern fur seal is tangled in fishing net on St. George Island in the Pribilofs.

Towns cope with ships' trash

By HAL BERNTON
Daily News reporter

Alaska's coastal communities are preparing for a new role as trash dumps for North Pacific fishing fleets.

That role begins Dec. 31 when a new federal law takes effect that forbids plastics from being tossed overboard and sharply restricts the jettisoning of other wastes.

The law results from the U.S. ratification of an international treaty aimed at cleaning up the world's garbage-fouled seas. It empowers the Coast Guard to fine sea-going litterbugs up to $25,000 for civil violations and up to $50,000 for criminal violations.

Coast Guard officials hope the threat of fines will prompt fishermen to stow their trash until they reach port.

But some coastal community leaders, while welcoming the effort to clean the seas, aren't sure just where all that garbage will go.

"We're going to have to really scratch and claw to figure out where we're going to put our own wastes, let alone that from all kinds of fleets from all over the world," said Herv Hensley, city manager for Unalaska.

Unalaska, an Aleutian Islands town in the middle of the booming North Pacific bottom fishery, is expected to become a major dump site. Last year, more than 115 ships made port calls at nearby Dutch Harbor, and this year the total is expected to be much higher.

Terry Hawks, shop manager for Williwaw Services, Dutch Harbor's major garbage service, says only a small portion of the ships now routinely dump their wastes in town. When they do, a single factory ship can fill up most of a 50-yard-long dumpster, said Gary Daily, the town's harbormaster.

To handle the fleet's garbage, the community has a small landfill that barely meets state standards and is expected to be full within a couple of years. "Their sanitary landfill is something that you would have for a village half the size of that town," said Bruce Erickson, a state Department of Environmental Conservation official.

Financing a new dump site large enough for both the city and an expanding flow of ship wastes would be an expensive task, Hensley said, and one he thinks should be aided by federal financing.

But the new law doesn't provide for any such assistance, said Lt. Cmdr. Joel Whitehead, a Coast Guard official who is helping draft regulations to implement the law.

The law is based on an international treaty known as MARPOL-ANNEX V, which last year was ratified by the U.S. Senate. The treaty seeks to curb the dumping of plastic and other solid wastes that have washed up on beaches all over the world. Some of the discards, such as derelict nets and plastic strapping, are killing birds and marine mammals that become entangled in or devour the litter.

Fishermen are frequent high-seas dumpers. They live and work in often-cramped quarters that many are unwilling to share with stored garbage. Old bits of net, cans, food wastes and other trash end up in the sea.

Scott Johnson weighs fishing trawl web on a beach.

"Everything goes overboard," said Corky McCorkle, Kodiak's harbormaster. "Everything."

The treaty requires all plastics to either be incinerated on board or brought to shore. In the North Pacific, it allows most other kinds of solid waste to be thrown overboard as long as a vessel is more than 12 miles off shore. Food wastes, if ground up, can be dumped if the vessels are more than three miles from shore.

McCorkle says Kodiak will try to accommodate the ship wastes with more dumpsters and possibly dump trucks to carry the wastes to the town landfill.

But he's unsure how much of an increase in garbage the town will see. Unless the Coast Guard cracks down by issuing large fines to a few polluters, many fishermen may ignore the law, he fears.

"It's really an unknown right now," McCorkle said.

But McCorkle still sees the law as a major step forward.

"Anybody that throws things overboard is ... killing the resources, damaging the whole life cycle," he said.

Nuclear free Arctic is no threat to foreign policy

By BARBARA COLLINS

COMPASS
POINTS OF VIEW FROM OUR COMMUNITY

On Feb. 12, Secretary of State George Schultz sent a telegram to the Alaska Legislature which said, "Please do not pass HJ Res. 4. Any kind of nuclear freeze vote from Alaska will do serious foreign policy damage." This telegram was dramatically read on the House floor during discussion of HJR-4, the Nuclear Free Arctic Resolution.

It is certainly interesting when a high ranking national official comments on a proposed Alaska resolution, but I do not believe that his telegram added any real substance to the debate. Frankly, I'm not sure Secretary Schultz or his aides ever read the resolution.

HJR-4 does not propose a "nuclear freeze." The Nuclear Freeze Initiative has already been passed by a large majority of Alaska's voter's during the August 1986 primary election.

And what could Mr. Schultz have meant by stating, "Any kind of nuclear freeze vote" will do "serious foreign policy damage."? Since Alaska's voters overwhelmingly endorsed the concept of a mutual, verifiable freeze in the testing, production and deployment of nuclear weapons, we have witnessed no perceptible damage at all to our nation's foreign policy.

To the contrary, we have witnessed startling new arms reduction proposals by both President Reagan and Secretary Gorbachev. Right now, the U.S. and the U.S.S.R. are negotiating a mutual, verifiable removal of medium range nuclear missiles from Europe. The Soviets have already agreed to allow on-site verification.

Of course, I'm not suggesting that Alaska's Nuclear Freeze initiative has single-handedly spurred these welcome developments. But I would argue that the cumulative effect of Freeze Initiatives, passed by voters throughout the U.S. and many other nations, has been to persuade our world leaders to seriously discuss for the first time, complete nuclear disarmament.

The average Alaskan most assuredly applauds these disarmament proposals and hopes that the negotiations to remove medium range nuclear missiles from Europe succeeds. We want to see the nuclear arms race stopped and reversed before it culminates in the devastation of our world. That doesn't make us myopic dupes of the Communists, willing to let the Soviet Union turn our country into "Amerika."

The Nuclear Free Arctic Resolution is no more a threat to our foreign policy than the Nuclear Freeze Initiative. If passed, it would request Alaska's governor and congressional delegation to initiate and promote efforts to negotiate a verifiable multi-nation treaty establishing the Arctic and the sub-arctic region as a nuclear free zone.

If such a treaty were successfully negotiated, it would mean that no nuclear weapons would be tested or deployed here, no nuclear waste would be dumped here, and nuclear technology would be limited to medicine and other benign purposes.

The "nuclear free" concept is certainly not unprecedented. The U. S. and the Soviet Union have already joined many other nations as signatories to a treaty which designates the Antarctic as a nuclear free zone because of its fragile environment and scientific value to the world. The Arctic and sub-Arctic is just as fragile and even more valuable, to my mind.

I was alarmed to learn recently that the previous use and testing of nuclear weapons has caused so much radioactivity to collect within the Arctic Circle that its permanent residents now carry more radioactive elements in their bodies than anyone on earth, except the survivors of Hiroshima and Nagasaki.

Other internationally recognized nuclear free zones include the ocean floor, outer space, Latin America and the South Pacific. Also, more than 3,500 cities and counties in 24 countries have taken the symbolic step of declaring themselves Nuclear Free Zones.

The main reason such diverse U.S. cities as Iowa City, Iowa; Chicago, Ill.; Eugene, Ore.; Warren, Ohio; and Durham, N.C. (132 total in the U.S.) have declared themselves nuclear free zones is to make an emphatic statement that ordinary citizens and their local and state governments, can, as the resolution points out, "help initiate steps by the U.S. and other nuclear powers toward world peace and away from the brink of nuclear war."

Negotiating a Nuclear Free Arctic is an idea whose time has come. The Inuit Circumpolar Conference and the Legislatures of both Greenland and the Yukon Territory have already unanimously approved resolutions that call for restricting the testing and deployment of nuclear weapons from the Arctic region. It's time for the Alaska Legislature to join them by passing the nuclear Free Arctic Resolution.

☐ **Barbara Collins served as spokesperson for Alaska Freeze '86.**

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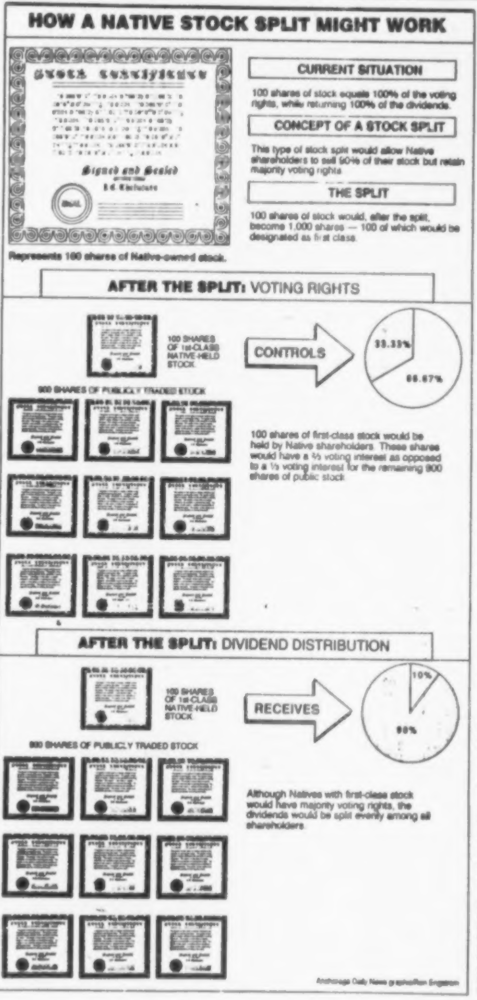
HOW A NATIVE STOCK SPLIT MIGHT WORK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100 SHARES OF 1st-CLASS NATIVE-HELD STOCK
RECEIVES
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900 SHARES OF PUBLICLY TRADED STOCK

CURRENT SITUATION

100 shares of stock equals 100% of the voting rights, while returning 100% of the dividends.

CONCEPT OF A STOCK SPLIT

This type of stock split would allow Native shareholders to sell 90% of their stock but retain majority voting rights.

THE SPLIT

100 shares of stock would, after the split, become 1,000 shares — 100 of which would be designated as first class.

Represents 100 shares of Native-owned stock.

AFTER THE SPLIT: VOTING RIGHTS

100 shares of first-class stock would be held by Native shareholders. These shares would have a ⅔ voting interest as opposed to a ⅓ voting interest for the remaining 900 shares of public stock.

AFTER THE SPLIT: DIVIDEND DISTRIBUTION

Although Natives with first-class stock would have majority voting rights, the dividends would be split evenly among all shareholders.

Anchorage Daily News graphic/Ron Engstrom

Native firm proposes stock split

Cook Inlet wants to offer options to non-Natives

By HAL BERNTON
Daily News reporter

Alaska's most prosperous Native corporation is trying to push through Congress a proposal to let the company issue stock options to non-Native management after 1991.

The Cook Inlet Region Inc. proposal is part of a complex series of amendments designed to keep Alaska's Native corporations in Native control after 1991, when current stock-sale restrictions expire.

But the CIRI amendment is at odds with the rest of the legislation because the Anchorage-based Native corporation wants to become more like the the rest of corporate America.

"CIRI shareholders want to be a normal corporation," said Roy Huhndorf, company president. "So if CIRI is going to be a fairly normal corporation, it has to have the normal mechanisms that all other corporations enjoy."

Those mechanisms include management options to buy stock at prices likely to be well below market value, and public stock offerings that eventually could lead to non-Natives gaining voting control of the company.

Huhndorf's vision of his corporation's future puts him at odds with most of his peers in the Native community.

Leaders of the 11 other Alaska-based regional corporations insist that Native shareholders keep a voting majority of the stock, thus control of the companies. Without the stock, they say, shareholders will lose control of the land that is their legacy, and for many, the foundation of subsistence lifestyles.

Leaders of the Alaska Native Coalition, a sovereignty group, are disillusioned with the corporations. They want to see a radical restructuring that would give tribes ownership of at least part of the 44 million acres held by corporations.

Huhndorf, however, said the day may come when CIRI puts all of its stock up for sale. "Clearly, that's a possibility," he said. "But I don't think that we would be doing it without shareholder approval."

At least for the moment, that approval is unlikely. The most recent CIRI poll indicated that only 21 percent of the shareholders want to see all stock freed up for sale. The poll found that 35 percent of the shareholders don't want to see any stock sold. The remaining 44 percent favored what the poll labeled a "middle alternative."

With an eye to the poll, Huhndorf said the corporation's management is developing a compromise plan that would allow some stock to be sold without losing Native control of the corporation.

The plan, once approved by a shareholder vote, would create two new classes of stock. The first class would be small, equaling perhaps 10 percent of the total stock pool. But it would carry perhaps two-thirds of the voting rights to elect CIRI's board. That stock would remain in Native hands, and at least initially, it couldn't be sold.

A second, much larger pool of stock could be traded on the open market and given as options to management. Each share of this stock would earn dividends per share equal to that of the restricted stock, yet it would carry a small fraction of the voting rights. So even if all the stock was sold, non-Native shareholders wouldn't be able to elect the majority of board members.

But the plan also could be used as a bridge to non-Native control, Huhndorf said.

CIRI, for example, could choose to issue new stock to raise capital. If enough of that stock were issued, even if it carried only slight voting rights, the power to elect the CIRI board could swing to non-Natives.

See Page F-6, CIRI

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Huhndorf, however, said that shouldn't happen without a shareholder vote, which would be held at some trigger point when most of the dollar-value of the stock was held by non-Natives. "One point that is unsettled in our plan ... is what point that trigger will be," he said.

CIRI's push for public stock offerings is but the latest in a series of aggressive business strategies that have paid off with dividends among the highest of any Native corporations. That money has flowed to 6,400 shareholders, 80 percent of whom live in Anchorage and other urban areas. Most Native corporations have a much greater percentage of rural shareholders.

Part of CIRI's success can be traced to a 1976 land trade involving the federal and state governments. That trade gave the corporation surface and subsurface rights to more than 2 million acres in Southcentral Alaska and a share of revenue from lucrative oil and gas leases. CIRI also has the rights to trade some of its Southcentral property for surplus federal properties auctioned by the General Services Administration.

During the past decade, CIRI has emerged as an economic powerhouse with a diversified portfolio that includes interests in offshore drilling rigs, television stations and shopping malls. In 1985, the company's assets were valued at $200 million, and it earned a net income of more than $20 million.

Even though CIRI's stock could command a high price, polls indicate that more than a third of CIRI shareholders don't want to cash in any of their shares. And some are angered by a management agenda that is not their own.

"Regardless of what some people say, CIRI is still a Native corporation," said Fred Elvsaas, a self-described dissident shareholder who serves on CIRI's board. "It is the Native rights and Native heritage that made it a corporation."

If non-Natives gained control of the corporation, then the Alaska Native Claims Settlement Act, which created the Native companies, "would be a complete failure and the shareholders will have been sold out by management," he said.

Elvsaas also is angered by the Senate amendment authorizing the sale of stock options to CIRI management. "The concern of the CIRI board should not be how to get CIRI stock to non-CIRI people," he said.

prohibiting stock-option sales. That forced CIRI to add a second clause, elsewhere in the bill, specifically authorizing the CIRI plan.

Before the end of this month, the Senate bill is expected to go to a vote in the Senate Energy and Natural Resources Committee. If it meets Senate approval, the bill would have to be reconciled with a House version, then signed by President Reagan before it would become law.

The bill's fate is uncertain.

The Alaska Native Coalition won't support the bill without controversial amendments to include the authority to transfer land to tribal councils.

Interior Secretary Donald Hodel also may oppose the bill. He thinks the bill needs more protection for the rights of dissenters in corporations that choose to ban public stock sales. Under the amendments, dissenters could sell their stock back to the corporations. But the sale price would be established by the company.

If a bill fails to pass before December 1991 — 20 years after the claims act created the corporations — all sale restrictions will be lifted from stock. Then, all Native shareholders would be free to sell their stock to the highest bidder.

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F6 Anchorage Daily News Sunday, September 13, 1987

CIRI: Stock split possible

Continued from Page F-1

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>
> **— Fred Elvsaas**

Under an option plan, managers would be given the chance to buy a fixed number of shares at the CIRI stock's initial selling price. That option would extend for several years. At the end of that period, even if the stock had quadrupled in value, the manager could buy the stock at the initial sale price.

Huhndorf sees the plan as a way to give managers an incentive to stick with CIRI and make it prosper. "It harnesses the executive perfectly to the interests of the shareholders," he said.

Stock option plans are routinely offered to executives at many U.S. corporations. But such plans have not been embraced by other Native corporations, according to Tom Roberts, chief legislative aide to Alaska Sen. Frank Murkowski, a co-sponsor of the amendments. They fear that stock options could be used by management or others to take over a company, he said.

Huhndorf said that's not CIRI's intent.

To prevent takeovers, the other Native corporations opted for a clause in the bill prohibiting stock-option sales. That forced CIRI to add a second clause, elsewhere in the bill, specifically authorizing the CIRI plan.

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CIRI Bulletin Board

CITC AND CIRI FOUNDATION DIRECTORS APPOINTED

At the CIRI Board of Directors meeting on June 24, Chairman John Colberg announced appointments to fill Director vacancies on two subsidiary Boards.

William English, Jeff Gonnason and Janie Leask have been appointed as Directors of The CIRI Foundation for three-years terms which will expire in 1991.

Five Directors were appointed to the Cook Inlet Tribal Council Board of Directors. They are John Monfor, Patrick Marrs, Phyllis Fast, Debbie Fullenwider and Debra Morris, all for three-year terms expiring in 1991.

BOARD CANDIDATE ELECTION RESULTS

There have been several inquiries as to the number of votes received by some of the candidates not elected to the CIRI Board of Directors at the Annual Meeting. In response to those inquiries, the following is a summary of votes received by each candidate in the election: Fred Elvsaas – 468,890; Patrick Marrs – 340,888; William Prosser – 338,845; John Colberg – 338,798; Lawrence Matson – 336,453; Robert Woodhead – 158,202; William English – 11,409; Michael Boling – 11,177; John Crawford – 9,403; Evelyn Tucker – 8,179.

NINILCHIK FUND AND TCF AWARD SCHOLARSHIPS

Three newly established scholarships were awarded jointly by the Ninilchik Fund and The CIRI Foundation. The Ninilchik Fund was established through an anonymous gift to The CIRI Foundation, designated for Ninilchik families. It is anticipated that the fund will grow over the next few years.

Recipients of this year's awards are: **Evelyn Anderson**, University of Alaska Anchorge; **Zoya Oskolkoff**, ITT Institute; and **Tamara Stelk**, Western Washington University.

HOME ENERGY ASSISTANCE AVAILABLE

CITC is administering a program to supplement home energy costs for Alaska Native/American Indian families in Anchorage, Mat-Su, Eklutna, Knik, Ninilchik, Seldovia and Tyonek. In order to qualify for assistance, at least one family member must be an Alaska Native/American Indian and the family income must not exceed the following gross monthly income guidelines:

Family Size	Income
1	$ 994.00
2	1,300.00
3	1,606.00
4	1,912.00
5	2,218.00
6	2,524.00

For more information, contact CITC, 670 W. Fireweed Lane, Suite 200, Anchorage, AK 99503, telephone: 272-7529.

LESTENKOF NAMED DEPUTY COMMISSIONER OF DCRA

CIRI shareholder Jake Lestenkof of St. George, who recently resigned his position as Area Director of the U.S. Bureau of Indian Affairs, has accepted the position of Deputy Commissioner at the Alaska Department of Community and Regional Affairs. He is a former member of the CIRI Board of Directors.

As well as being primarily responsible for the day-to-day management of department operations, Lestenkof will have a major role in policy development, especially in the area of rural government.

Mr. Lestenkof has extensive management experience with Alaskan and Native institutions. Besides the seven years he just completed as BIA area director, he served 15 years as director of operations and training with the Alaska Department of Military Affairs; two years as executive vice president of the Alaska Federation of Natives; and four years as the executive director of the Cook Inlet Native Association.

CITC SOCIAL WORKERS HIRED

Cook Inlet Tribal Council (CITC) recently hired two more social workers. In addition to providing direct client services, they are available to provide representation in cases involving Indian Child Welfare Act (ICWA) issues.

Staff objectives are: the development and coordination of a training program for Alaska Natives interested in becoming foster parents, establishment of a resource list of prospective Native adoptive parents, coordination of a parenting skills class and dispensing information relevant to ICWA. According to CITC Executive Director, Esther Combs, "The competition for the ICWA grants is very fierce. CITC is very proud of the fact that our program was one of only two new programs funded this year."

Presently, the staff is coordinating a Parent Support Group. For further information, feel free to contact Cecelia Demidoff or Norma Mahlberg during business hours – Monday through Friday. ❑

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CIRI Bulletin Board

RECRUITMENT FOR RURAL STUDENTS

The Rural Alaska Honor Institute (RAHI) for the University of Alaska-Fairbanks is recruiting for Alaska's finest rural high school students to apply to the sixth RAHI summer program, June 20 - July 30, 1988, at the UAF campus.

RAHI seeks Alaska Native students who plan to attend college, who seek a head start in college, who are between their junior and senior years, and who are rural based - such as village students who are boarding away from home and attending urban schools. RAHI will provide them with an early college experience including pursuit of a rigorous academic schedule, development of learning skills needed to succeed in college, and life in a campus dorm.

The program pays round-trip travel, room, board, tuition and special campus fees for all students selected. The Institute is seeking students with a minimum of 3.0 GPA. Applications may be obtained through The CIRI Foundation. Application deadline is March 1, 1988.

1988 EDUCATIONAL HANDBOOK AVAILABLE

The 1988 Revised Educational Handbook, published by The CIRI Foundation, is now available. There is no fee for the handbook, which contains listings of scholarships, grants and intern programs available to CIRI shareholders. Copies may be requested by contacting The CIRI Foundation, P.O. Box 93330, Anchorage, Alaska 99509-3330, telephone: (907) 274-8638.

INDIAN CHILD WELFARE ACT OF 1978 AND CIRI

The purpose of the Indian Child Welfare Act (92 Stat. 3069) is to allow a tribal authority to intervene on behalf of Indian children in child custody proceedings. It states:

"The Congress hereby declares that it is the policy of this nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and family..."

If the child is taken away from his home then he shall be placed with:

1) A member of the child's extended family;

2) Other members of the Indian child's tribe; or

3) Other Indian families.

For Cook Inlet Region, Inc. shareholders, tribal authority will belong to existing village tribal councils. For CIRI at-large shareholders, tribal authority belongs to CITC. Any Native child involved in custody proceedings has the right to tribal intervention on his/her behalf.

The tribal councils were authorized to set up programs for ensuring that ICWA could be implemented. Their goal is to ensure that "the breakup of Indian families, and in particular, to ensure that the permanent removal of an Indian child from the custody of his parents, shall be the last resort." This is achieved through establishment of Indian foster homes and Indian adoptive homes, counseling, training and education.

If you have the need for tribal intervention in child custody proceedings or wish to be an Indian foster or adoptive parent, please contact your village council.

BUSINESS DIRECTORY BEING REVISED

The Cook Inlet Region Business Directory is currently being revised by the CIRI Foundation. This annual listing of minority businesses, owned by Cook Inlet Region and their descendents, is distruibuted as a courtesy to the participating businesses, local and state businesses and agencies and to the general public to encourage equal opportunity to compete in the business world. If you own 51 percent or more of a business and desire to be included in the 1988 Directory, please call or write to the Foundation for an application form. The deadline is February 15, 1988.

CIRI SEEKS CHILDREN OF ISAAC W. OMELAK

CIRI is trying to locate any children of Isaac William Omelak. Mr. Omelak died December 11, 1975 in Kansas City, Missouri. Our records indicated he was born March 16, 1940. We believe Mr. Omelak may have had a daughter born in 1966 or 1967, possibly in Chigaco, Illinois. He also may have had a son, Cass, born in 1971. If you know anything about Mr. Omelak or his children, please contact Debbie Williams in the Shareholder Records Department.

CIRI UPGRADES AND VOCATIONAL GRANTS

If you are interested in obtaining a grant for career upgrade or vocational training, contact The CIRI Foundation, P.O. Box 93330, Anchorage, AK 99509-3330, (907) 274-8638. Application deadline is March 31, 1988.

CIRI sells losses for $102.3 million

By HAL BERNTON
Daily News reporter

Huhndorf

Cook Inlet Region Inc. expects to receive $102.3 million from the sales of losses to major U.S. corporations in search of tax write-offs, according to the company's 1987 annual report.

That cash includes $29.3 million paid to the corporation last year and another $73 million still due the corporation, according to the financial report of the Anchorage-based regional corporation.

CIRI President Roy Huhndorf declined to discuss any details of the financial report with a reporter.

CIRI is widely recognized as the most prosperous of the more than 100 corporations created under the Alaska Native Claims Settlement Act of 1971. Last year the company reported a $31 million profit, retained earnings of $120.3 million, and a net worth of $235 million. The company has made lucrative investments in real estate, and oil and natural gas resources.

The new financial report gives no detailed accounting of how CIRI accumulated the hundreds of millions of dollars in red ink involved in its recent sales of losses.

The loss sales are authorized by the 1986 Tax Reform Act. That law allows only Alaska Native corporations to sell net operating losses to profitable corporations, which use the losses to reduce

See Page C-2, CIRI

ns to lease t to ANWR

of attention has been drawn to the area," said Jim Eason, the state's oil and gas director.

The sale area extends about three miles seaward from the coastal plain and is wedged between Canning River on the west and the Canadian border on the east.

The state Division of Oil and Gas has rated the sale area "moderate to high" in oil and gas potential.

Oil companies are not saying much about the sale.

"At this point, to say we're excited would give people an insight into what we're going to do," said Paul Laird, spokesman for Standard Alaska Production Co. "But we are pleased the state is going ahead with the sale."

Tom Cook, Alaska exploration representative for Chevron USA, said the sale is expected to draw much interest. "The area of the Demarcation Point sale and coastal plain might be regarded as a high (prospect)."

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See Page C-8, REVIEWS

it," Sampson said at a press conference in the governor's office.

The department has one to two people assigned to enforcement, Sampson said, making a pitch for additional funding.

Gov. Steve Cowper has asked legislators to appropriate $766,000 for stronger local hire efforts in fiscal year 1989, but the House wants to cut that to $400,000 and the Senate has included no money in its version of the budget.

Lawmakers in 1986 passed a new local hire law to re-

CIRI: Profits from losses

Continued from Page C-1

their own taxes. Up to 80 percent of the tax savings are then funneled back to the Native corporations.

Sen. Ted Stevens, R-Alaska, sponsored the provision as a way to help bail out financially ailing Native corporations.

Huhndorf, at a recent shareholder meeting, said CIRI had sustained more than $300 million in tax losses, according to Dan Alex, a CIRI shareholder who attended the meeting.

Those losses at least partly involved the conversion of "non-productive assets to cash," Huhndorf said in a letter to shareholders contained in the annual report.

Fred Elvsaas, a CIRI board member, said last year at least some of the losses reflect deductions from depleting oil and gas reserves, and other tax write-offs. "It's not like, say, if you had hard losses from bad management," Elvsaas said.

A depletion loss would occur when Native resources are sold at a price lower than their value when acquired from the federal government as part of the claims settlement.

CIRI referred to its tax losses in a footnote in the annual report, but did not quantify them.

Alex, who frequently has protested CIRI's accounting procedures, said he thought the report should have fully detailed the losses.

"It should have been clearly and widely explained," Alex said. "I'm protesting this to the state Banking and Securities (Division) that the annual report is false and misleading."

Larry Carroll, an official in the state division of securities, said his agency's main concern is to ensure the reports were certified by accountants, which CIRI's was.

CIRI is one of dozens of Alaska Native corporations that have taken advantage of the 1986 law. At the time of passage, the loss pool was estimated at around $250 million, according to Mark Springer, a former aide to Stevens who helped draft the act.

According to a review of financial reports, the Native corporations have earned more than $300 million from the sales of more than $1.1 billion in losses.

The 1986 act allows loss sales to continue through 1991.

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North helped draft plan for martial law in U.S.

By Alfonso Chardy
Knight-Ridder Newspapers

WASHINGTON — Marine Lt. Col. Oliver North helped draft a plan in 1984 to impose martial law in the United States in event of an emergency, inspiring a sharp protest by then-Attorney General William French Smith, according to government officials.

The secret plan called for suspension of the Constitution, turning control of the government over to the little-known Federal Emergency Management Agency, appointment of military commanders to run state and local governments and the declaration of martial law in the event of such a crisis as nuclear war, violent and widespread internal dissent or national opposition to a U.S. military invasion abroad.

North's involvement in a proposal to radically alter American government by executive order in a time of crisis is evidence that he was involved in a wide range of secret activities, foreign and domestic, far beyond the Iran-Contra affair, according to officials.

The chief counsel of the Senate Iran-Contra committee has declared in an unreleased memo that North was at the center of what amounted to a "secret government-within-a-government."

North, a staff member of President Reagan's National Security Council until his dismissal last November, begins long-awaited testimony Tuesday before the Senate and House Iran-Contra committees.

Arthur Liman, the Senate committee counsel, wrote before the current hearings began that he expected to show that "a policy decision was made at the highest levels" to transfer U.S. support of the Nicaraguan contra rebels to the NSC, where North operated. Then, Liman wrote, "we favor examining how that decision was implemented."

"This is the part of the story that reveals the whole secret government-within-a-government, operated from the (Executive Office Building) by a Lt. Col., with its own army, air force, diplomatic agents, intelligence operatives and appropriations capacity," Liman wrote.

North helped draft the plan to impose martial law while serving as the NSC's liaison to FEMA, an executive agency with responsibility for the government's management of national crises.

Alarmed at the plan, Attorney General Smith dispatched a letter to Robert McFarlane, North's NSC boss at the time. The Aug. 2, 1984 letter expressed fear that FEMA was establishing itself as an "emergency czar."

"I believe that the role assigned to the Federal Emergency Management Agency (FEMA) in the revised Executive Order exceeds its proper function as a coordinating agency for emergency preparedness," Smith said in the letter to McFarlane. "This department and others have repeatedly raised serious policy and legal objections to the creation of an 'emergency czar' role for FEMA."

The contingency plan was being written as part of an executive order or legislative package that Reagan would sign and hold within the NSC until such time as a severe crisis arose, an administration official said. It is not known whether Reagan signed the plan.

Investigators now believe that from 1983 to 1986 North's office in the Old Executive Office Building adjacent to the White House was the heart of an informal secret structure involved in far more than the sale of arms to Iran and the funding of the undercover war in Nicaragua.

North's influence within the secret structure was so great, the sources said, that he was able to have the orbits of sophisticated surveillance satellites altered to follow Soviet ships around the world, call for the launching of high-flying spy aircraft on secret missions over Cuba and Nicaragua and become involved in sensitive domestic activities.

Some of Reagan's closest friends and advisers, including former national security adviser William Clark, the late CIA Director William Casey and Attorney General Edwin Meese, were part of that informal secret structure, according to several congressional investigators and government officials.

Congressional investigators and the current and former officials consulted for this article — members of the CIA, State Department and Pentagon — said they do not have a full record, from beginning to end, of the "secret government."

The White House flatly rejects Liman's notion of a "secret government."

"The president has constantly expressed his foreign policy positions to the public and has consulted with the Congress," a White House official said.

According to the sources, the Reagan administration's propensity for secret activities may have had its beginnings in an October 1980 decision by Casey, then Reagan's campaign manager, to create a so-called October Surprise Group to monitor President Jimmy Carter's feverish negotiations with Iran for the release of 52 American hostages.

The group, led by campaign foreign policy adviser Richard Allen, was founded out of concern that Carter might pull off an "October surprise" such as a last-minute deal for release of the hostages before the Nov. 4 election. One of the group's first acts was a meeting with a man who claimed to represent Iran and who offered to release the hostages to Reagan.

Allen and another campaign aide, Laurence Silberman, in April told The Miami Herald of the meeting and said that Robert McFarlane, then a Senate Armed Services Committee aide, arranged and attended it. McFarlane later became Reagan's national security adviser and in 1986 played a key role in the Iran-Contra affair. Allen and Silberman said the offer, which they said they rejected, was aimed at ensuring Reagan's victory.

Congressional investigators now link another well-known campaign incident — the theft of confidential briefing materials from Carter's campaign prior to the Oct. 28, 1980 Carter-Reagan debate — to the same secret group.

The investigators now believe that Casey somehow obtained the materials, used to brief Reagan on what Carter was likely to say, and passed them to James Baker, another top Reagan campaign aide.

EVENS: Teamsters union pays a tribute to Alaska's senior senator at New Orleans conver

inued from Page B-1

l that "if we can spend n you, Senator, then glad to do it."

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ns, in his brief re- cited a need for labor to look beyond their nal support of Demo-

n a Republican, but I rom a working-class Stevens said. "And rking people of this country need the labor movement."

"I hope the labor movement doesn't end up in one party or the other," Stevens said. "It represents working people, some of whom are Republicans and some of whom are Democrats."

In the government's lawsuit, the Justice Department cites a pattern of criminal conduct that it says warrants placing the union under a trusteeship.

The government has obtained more than 340 criminal convictions against Teamsters officials.

The lawsuit cites 20 murders, 12 in which the victims were political dissidents.

Four of the union's last five presidents were indicted. Three were convicted and the fourth, Jackie Presser, died before he could be brought to trial.

Union presidents are not selected by a vote of the rank-and-file membership but by the union's executive board.

A former union president, Roy Williams, has testified that the mob controls the elections process.

After Presser's death, the executive board selected McCarthy over Weldon Mathis, who had been considered the likely successor.

Zeller said that the union's top issues of 1988 were the trade bill and plant-closing legislation requiring corporations to give 60-days notice before any major layoffs.

Stevens voted for the plant-closing measure but against the trade bill, which he said was bad for Alaska.

"It would have created 30 new federal agencies, which means that entrepreneurs in Alaska would have to go over just that many more hurdles," Stevens said.

But Stevens shares the view of a large number in Congress that the Justice Department has gone too far in its lawsuit to reorganize the union.

"It is pursuing a problem of management, and the Justice Department strike force trying the Teamsters," St in a brief interview

"What it has d bring the rank-and-f the leadership," he

"If there's been a of federal laws, the condone that," he s

"But they've gon in trying to inject t into the internal ma of the union," Steve the Justice Departm

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Teamsters union pays tribute to Alaska senator

By DAVID WHITNEY
Daily News reporter

NEW ORLEANS — U.S. Sen. Ted Stevens of Alaska, here for the Republican National Convention, was the honored guest Tuesday of the Teamsters union, which the Reagan administration has filed suit to take over.

Stevens

According to the Justice Department, the union is so corrupt that the government is permitted to reorganize it under the Racketeer Influenced and Corrupt Organization Act.

But none of that was even whispered Tuesday at the luncheon at the fashionable Fairmont Hotel, to which Alaska's convention delegation was invited.

Among those who didn't show up were Rep. Don Young and the state's junior senator, Frank Murkowski.

Stevens, who was honored as a longtime supporter of organized labor, is the only Republican the union is recognizing in this manner at the convention.

Last month, at the Democrat's convention in Atlanta, the union saluted Rep. Bill Clay, the second-ranking Democrat on the House Labor Committee.

"We traditionally pick someone out of each party to honor who has helped labor, particularly the Teamsters, on important issues," said Teamsters spokesman Duke Zeller.

Stevens couldn't have received a warmer endorsement from the union's new president, William McCarthy.

"As far as Sen. Stevens, he's been a good friend of the Teamsters," McCarthy said in brief remarks to the small assembly of union leaders and state convention delegates.

"He always calls it like it is and, if you don't like it, well, you know what you can do," he quipped.

"I know we have over $5 million in our political-action committee," McCarthy said.

Turning to Stevens, McCar-

See Page B-3, **STEVENS**

ADN 8/20/88

Medical director calls reports of meningitis work premature

The Associated Press

BETHEL — It may be awhile before health officials begin any type of campaign intended to reduce the incidence of meningitis in the Yukon-Kuskokwim Delta region.

Published reports that the Indian Health Service is preparing to start an intervention program are premature, Dr. Rob Quick, medical director of Yukon-Kuskokwim Health Corp., said Wednesday.

"There is no intervention program that has been approved here to be put into place," Quick said.

He said a number of clearances must be passed before a new program against meningitis can begin. Those clearances are needed to make sure that research proposed for the Yukon-Kuskokwim area would benefit local residents, said Quick, who serves on the human studies committee for the Bethel Hospital.

"Alaska's a very interesting place for researchers to do work," he said. "If there wasn't some way to monitor the proposals and grant approval, everybody would be running out here and there would be chaos."

He said the Centers for Disease Control and the Indian Health Service are studying several types of experimental vaccines against meningitis.

The Centers for Disease Control has said people in western Alaska suffer the world's highest rate of meningitis. A study shows Native infants are at greatest risk.

ADN 8-21-88

BLM readies Campbell plan

The Bureau of Land Management has prepared a management plan for the 730-acre Campbell Tract in South Anchorage. The federal agency is responsible for managing the large area of undeveloped land on the edge of the city. The plan calls for maintaining and expanding recreational trails in the area and protecting its use for environmental education and recreation. For more information on the plan, call 267-1213.

Senate panel approves 'Taxpayer Bill of Rights'

By GARY KLOTT
The New York Times

ADN 3-19-88

WASHINGTON — Despite protests from the Internal Revenue Service, the Senate Finance Committee approved a "Taxpayer Bill of Rights" Friday that would give people greater protection in disputes with the IRS.

The fate of the legislation is uncertain. The House Ways and Means Committee has not shown much enthusiasm for taxpayer rights legislation, partly from concern that it might undermine the ability of the IRS to collect taxes at a time when the agency's enforcement efforts are being counted on to help reduce the federal deficit.

Sen. Lloyd Bentsen, D-Texas, who is chairman of the Finance Committee, said the legislation would protect taxpayers from "heavy-handed abuse" and the "bully mentality" that a Senate subcommittee found last year in some IRS offices.

The legislation would force the IRS to notify taxpayers in writing of their rights when they arrived to answer questions or for an audit. It would also extend to 30 days, from 10, the written notice that the IRS must normally give a taxpayer before seizing property, and it would impose greater sanctions on IRS agents who commit abusive actions.

The bill would also permit a taxpayer who wins an IRS dispute in an administrative or court proceeding to recover legal fees unless the IRS can prove that it had "substantial justification" for bringing the case.

The legislation, sponsored by Sen. David H. Pryor, D-Ark., would prohibit IRS supervisors from evaluating agents on the basis of how many property seizures, levies and liens they initiated. Such evaluations, he has contended, have led to overly aggressive collection tactics by some IRS agents. Such evaluations are already prohibited by IRS guidelines but are not a matter of law.

The IRS has strongly opposed parts of the taxpayer rights legislation. Officials contend that instances of abuse are isolated and can best be corrected by internal changes so as not to weaken the agency's ability to collect the nation's taxes.

The idea of giving taxpayers greater rights has proved a popular issue among many members of Congress.

Pipeline pollution problems

3/1/88
ADN

Operators close part of terminal's system

The Associated Press

Equipment problems at the trans-Alaska oil pipeline's Valdez marine terminal have forced the line's operators to shut down parts of an ailing air pollution control system.

The system will operate at two-thirds capacity for several weeks while the Alyeska Pipeline Service Co. repairs the problems, said Ivan Henman, an Alyeska vice president.

Alyeska and the Alaska Department of Environmental Conservation have been at an impasse for several months over the system. While each side agrees the system needs a major overhaul, the DEC has withheld permission for a proposed 10-week shutdown for repairs until Alyeska applies for a variance from its air quality permit.

Alyeska officials insist they do not legally need a variance and they say the company will not apply for one.

Vapors from the millions of barrels of oil that pass through the terminal are routed to three incinerators to be burned. One of the incinerators has been shut down for more than a week. Last week, fishermen complained about pollution from the complex.

See Page B-3, **ALYESKA**

ALYESKA: Closes part of air pollution control system

Continued from Page B-1

"It just stunk," said Cordova seiner Tom Copeland. "As soon as we came around the corner at the narrows, the natural gas fumes were just tremendous, to the point where people were joking about not lighting any cigarettes. It pervaded the whole bay."

Another seine fishermen, Ross Mullins, said there was a blue haze over most of the port.

"We were five miles away when I noticed it. It was like when you're driving on the New Jersey Turnpike and you get near Bayonne. There was a definite hydrocarbon aroma."

Henman said the haze might have been due to smoke from oil tankers. He said that at the distance the fishermen must have been from the terminal, he doubted there would be detectable odors from vapors that escape while being loaded with oil or from terminal operations.

Earlier this month, Assistant State Attorney General Mike Frank warned Alyeska that the state plans to begin regulating hydrocarbon emissions from tanker loading. DEC officials have estimated that up to 1,000 tons a week of hydrocarbon vapors are being emitted into the air during loading operations.

The DEC said there has been a substantial increase in hydrocarbon vapors since early last year, when oil producers at Prudhoe Bay started injecting 50,000 barrels a day of natural gas liquids into the pipeline.

Alyeska said with all three incinerators running, the terminal's vapor recovery system can handle all the vapors from the pipes and storage tanks at Valdez. When tankers are loading, one or two incinerators could handle the job, Henman said. But vapors from the loading process are not captured by the recovery system, and escape into the air, he said.

Henman said it would take another week to repair one incinerator and as soon as it is back in operation, another would be shut off for repairs, and then the third would be inspected, and repaired if necessary.

"We notified the DEC and EPA (U.S. Environmental Protection Agency) that the work was necessary," Henman said.

One of the incinerators was repaired just six months ago, and it is disconcerting that it already is having problems, said Bill MacClarence, a DEC air quality specialist.

Testimony before the Senate Select Committee on Indian Affairs

IHS Eligibility Regulations

by Wilfred Ashby

My name is Wilfred Ashby. I am from the village of Noatak located in Northwest Alaska. I represent the Noatak IRA on the Maniilaq Association Board of Directors.

The Maniilaq Association is a tribal organization serving the health and social service needs of the residents of northwest Alaska. Maniilaq is authorized by the following traditional and IRA councils to carry out this mission:

Ambler
Buckland
Deering
Kiana
Kivalina
Kobuk
Kotzebue
Noatak
Noorvik
Pt. Hope
Selawik
Shungnak

I would like to thank the Committee for providing us this opportunity to give testimony on this very important issue that will affect the people in our regions.

We would like to go on record in support of an indefinite moratorium of IHS regulations defining eligibility for health services for the following reasons:

1. The bill would eliminate health services for a large number of Alaskan Natives who live in indigenous communities, practice a modern version of traditional subsistence lifestyle, and are

considered by themselves and others as members of the Alaskan Native Community. Under the present system all natives in our area who need IHS services have been able to receive them. The current system is working for us. Why should it be changed? These regulations appear to have been developed to diminish the level of IHS expenditures and so make a mockery of the continuing federal trust responsibility to native americans.

2. Because the tribal rolls have not been considered essential to the BIA in recent years, there have been few attempts to update them. Especially since the Alaska Native Claims Settlement Act shareholders lists have tended to assume major practical importance, the task of tribal roll updating has been neglected.

3. Use of ANCSA rolls is also clearly inadequate and would eliminate many entitled natives. ANCSA shareholders were required to demonstrate one-quarter blood quantum, eliminating many individuals the village may identify as tribal members. The lists do not reflect any person born to an Alaska Native family after December 18, 1971, adopted children or any other non-ANCSA enrollees.

4. We maintain that it should be the tribe (or Alaskan Native village) who determines its membership. Because tribal authority is accepted in these regulations then the tribal rolls again become very important. However, updating the rolls is a complex and time consuming process. Just the development of tribal

ordinances for updating rolls involves many difficult issues such as dual membership, adoption, relinquishment and disenrollment. Then the research, location and correspondence with tribal members can begin. Finally there is the local and Federal approval process. To accomplish this will require planning, funding, time and cooperation between the Federal and tribal governments.

In closing, we feel a moratorium should be instituted to provide time to investigate the substantial and indefinite service impact of the proposed regulations. The impact investigations should be contractible by tribes, or at the very least, have final approval sign off by them.

Certainly, Congress deserves a full report on the significant impact of those proposed changes, endorsed by those that the regulations will affect most.

Thank you.

I am Charles Edwardson, Jr., member of a federally recognized tribe, Inupiat Community of the Arctic Slope (ICAS).

I wish to confirm to the Senator that Alaska Claims Settlement Act is not a jurisdictional act. We have a problem with the court interpretation viewing ANCSA as a jurisdictional act. This view is consistent with the policies of IHS as they have viewed eligibility in the narrowest sense of the word.

Congress did injustice, unintentionally, and introduced creeping State jurisdiction in every village through its own village corporation. This was the first time in history where Congress took upon itself to determine eligibility of Natives for Natives without the vote and consent of the Natives.

Congress should be so specific in defining who is a Native in 1991.

The Alaska Native Claims Settlement Act has terminated those children whom Congress had involunintarily abandoned of their genetic membership and prospective tribe. So this had given the executive branch of the government the right to arbitrarily and capriciously deny tribal members numbers under Title 25 of the U.S. Code. We feel it is Congresses responsibility to clear this mess for the Alaska Native people and this involuntarily abandonment should be resolved with restoration of tribes of Alaska through the introduction of a Bill called the Alaska Native Restoration Act of 1988. Or the other alternative is for a request for Senator Inouye for the introduction of a Bill for the articles of free association for the Arctic territory.

State of Alaska and its Native people must give a clear message to Congress and to the President of our final determination that we wish to terminate with the consent of all of the Alaska Native people within the Arctic territory to terminate freely and clearly the assumption of responsibility of the United States toward the Eskimos Indians and Aleuts of the Arctic territory.

Testimony To The U.S. Senate Select Committee
On "IHS Eligibility Regulations"

By Virginia M. Kvasnikoff
Vice President, Ninilchik Village Traditional Council
Health Representative, EEDA Regional Consortium Of Tribes Council
Alternate, Alaska Native Health Board

I am representing Ninilchik, a small quiet village in the winter but, in the summer our identity is almost lost with the influx of tourists to the campgrounds and waysides, that come to catch the King Salmon which the Indian worshipped and depended upon for survival. Now because of the stiff regulations we'll go to jail if we don't get a fish at the right time, even if we are starving.

In our constitution we established boundaries and you are to reside in tribal boundaries to be enrolled, if the village is not recognized then they are not eligible for services. Under the new IHS eligibility regulations, they will refer back to tribal enrollment lists of recognized tribes and if you're not a recognized tribe then what can they refer back to? What about those who were missed by ANCSA and those whose blood quantum is less than one-quarter? The eligibility law is a discriminatory law. You don't see this with any other groups of people - they don't have this kind of law. The Blacks don't have, Lincoln freed them, the whites don't have, the Japanese don't have. Now we have to prove we're Indian, next thing they will be putting chains around our necks. Early this century Indian people were afraid to say they were Indian because of the social restrictions put on them and just recently this century Indians were allowed to go to public schools and to vote. We were recognized under ANCSA now we have to prove ourselves again. They fought us with guns before, now they are fighting us with paperwork.

And the profit corporations established under ANCSA are in the business of making money, they don't want to and shouldn't be involved in health and social services and other tribal issues. The people covered under ANCSA will be gone, after that the children remaining will not have any proof of identity.

In good faith with BIA we established a Council of written record, made a Constitution, and the people meet on a regular basis and try to comply with the regulations of the Constitution and work towards bettering the welfare of our people and still haven't been recognized by the BIA. The BIA is supposed to notify a tribe as to the reason they were not recognized but the BIA has not given us any reason and in 1985 the BIA, Anchorage Agency and Juneau Area Office even recommended our recognition. We only want control over our own lives.

We are citizens of this country, we pay taxes and also vote for the people who govern us. How long does an Indian have to keep fighting for recognition when everybody knows they're already here? We are the people that have been since times began and we will continue to be here. So why not recognize us.

Submitted by: Virginia M. Kvasnikoff
Virginia M. Kvasnikoff

Note: 10 copies of the preceding testimony are being forwarded through the mails.

STATEMENT OF WILLIAM EDWARD HILTON HAGEN KAIIANA

Aloha Senator Inouye and respected associates. Welcome to Alaska. Inupiag - Dena - and Hawaii Oe, which style inadequately translates to Eskimo - Athabascan - and Hawaiian, which my geneology consists of.

I am the product of an adoption to a disfunctional wealthy white family. Not hypothetical, but the real Da Kim. (One real one).

My white mother was worth over five million dollars when she passed away. Eight years later, I am now declaring bankruptcy. Due to the fact that I am not accepted into the business community at large which is predominantly white.

My foster mother married a white man who was a periodical alcoholic. She was a co-dependent personality.

I am the youngest of five adopted native children, was mentally, physically and sexually abused until I was about 13 years of age. I have undergone years of therapy due to the trauma I went through with my family.

My first psychiatrist said I was lucky to not have succumbed to these things:

1) not die from the treatment I endured;
2) committed suicide; and
3) be confined to a mental institution for life.

I was raised hundreds of miles from my place of birth, no relatives or anyone to reach out to.

I was under the constant threat of being packed away to an orphanage or sent, god forbid, to an Indian school where I would be even more abused, or so I was led to believe.

My story is very complex and I could go on in length, but you are going to have to wait for the book.

I applaud the Indian Child Welfare Act and support the amendments to it. I feel that native children are better off with their own native community, the native parents are better judged by their own peers in the raising of their children.

I don't buy the suggestion of anonymity the state raises, there is no such thing. Alaska is known as the largest state, but in your short tarvels here, you will learn that Alaska is a small town. Everyone knows everyone in the native community.

My natural mother is from Norvik, raised in Selavik. I was born in Fairbanks and raised in Haines and Tenakee Hot Springs.

My adopted mother wanted us raised white and I went to a predominantly white school in a white community. I graduated from a state institution where I received no protection. I was suppose to be happy that I was saved from living with my own.

I have since learned who I am and I am grateful for it. If my testimony even helps one other native child, then that is all I ask.

Mahalo for your concerns.

STATEMENT OF JAMES WASILI

My name is James Wasili. I represent the Village of Chefornak. My feelings from my experience in the Yupik cultural area seem jeopardized by the State of Alaska. To which my understanding limits are, I have knowledge that a community asks for help from the Federal and State Governments, and they are ignored to an extent which the Yupik people are restless, and we understand that we are in a free country, and this free country does not seem to recognize the Yupik cultural abilities which are suppose to be exercised by its people.

You, as a sole backbone, are to address the Yupik cultural environment for proper understanding to where they are at and what the outcome is expected by such organization.

Mr. Chairman, I would like to ask at this time to recognize the needs of a small community in need of your support in our efforts to perform what our ancestors have had, and in need of your support to perform our tasks as Yupik people. It is to the best interest of the Federal or State Government to have knowledge and to have an agreement open to the Yupik people. This action is to be supported by law. Their basis is on funds for social support, economic development, alcohol rehabilitation, child and welfare support, domestic violence, and housing. These damages which are to be given to us is to be Yupik. This is the Yupik way and it will always remain as it is.

Thank you for your support Mr. Chairman.

1988 SEP 15

TESTIMONY OF THE ALASKA FEDERATION OF NATIVES

The following written testimony is submitted to the Senate Selection Committee on Indian Affairs by the Alaska Federation of Natives in response to the public hearing held by the Committee Chairman on September 2, 1988 in Anchorage, Alaska. It addresses two of the four issues heard by the Committee: funding for the Community Health Aide Program and proposed Indian Health Service eligibility regulations.

I. FUNDING OF THE COMMUNITY HEALTH AIDE PROGRAM.

As the Committee is aware, the Community Health Aide Program in rural Alaska is currently undergoing a crisis in its historical development. Although the root cause is financial, the effects are most clearly seen in the program's personnel - their feelings, their job performance and their durability in the profession. In many ways, the entire system of primary health care in Alaska villages now rests on them. When they are effective, the whole community is healthier. When they are not, the system reverts to an unnatural dependency on distant, itinerant expertise - a situation which existed decades ago. At such times, the level of general health in the community declines, and the life-and-death danger of any local emergency which might occur is increased. People suffer and occasionally die for lack of prompt, competent medical care.

AFN urges the Committee to view the current situation in light of both the past history of the program and the future needs of Native communities in bush Alaska. We are extremely grateful for the $5 million increase in FY 89 CHAP funding, but we emphasize that a short-term budgetary fix is more likely to postpone the problem than to solve it. For that reason, we are delighted that the FY 89 appropriation also mandates a comprehensive study of the program. What is needed is not only money. Equally important is a long-term plan to develop the kind of primary health care system which villages will need well into the 21st century - and the political commitment of federal and state governments to its implementation.

The roots of the current crisis reach back at least 30 years. In the mid-1950's, health care in Native villages was composed almost entirely of traditional healing techniques (which varied culturally from region to region); occasional itinerant visits of non-Native practitioners such as doctors, dentists, public health nurses and others sent by the federal or territorial government or by religious groups; and occasional emergency evacuations of critically ill patients to non-Native medical facilities in towns and cities.

By far, the most widespread disease problem was tuberculosis. Because TB closely correlates with climate, poverty and environments of contagion, it was epidemic in the Native population. Thousands of people had various forms of it, and many were sent to tuberculosis sanitaria in Alaska or outside the state. When federal responsibility for Native health services was transferred from the Bureau of Indian Affairs to the United States Public Health Service in 1955, the top priority for the first decade of operation was an all-out attack on TB. The Alaska Native Medical Center, which opened in 1957, was constructed primarily as a TB hospital.

In-patient hospitalization alone could not begin to control the epidemic. Chemotherapy programs would have to reach into thousands of Native homes in all the villages of Alaska. The antibiotics of choice for ambulatory patients were Isoniazid and PAS, and a massive effort to administer them had to be mounted in most of the bush north and west of Anchorage. Native patients in villages could be given sufficient supplies of the low-cost drugs, but there was no guarantee that they would take them. Often they did not see the connection between daily dosages and control of their symptoms. If they could be convinced to take the drugs occasionally, their continuation tended to lapse over time. Some economical, paraprofessional system for assuring reliable chemotherapy threatment had to be put in place.

That was the modern origin of the Community Health Aide system. By the early 1960's, hundreds of volunteer village workers had participated in the program, physically going from door to door and giving out daily or weekly antibiotic dosages, revisiting to make sure the medicines had been taken, and, in some cases, literally putting the tablets in the mouths of older people and children. The gratifying results were not only a significant reduction of active tuberculosis but the whole-hearted acceptance of the program by village people.

Today, there is a limited amount of active tuberculosis in Native Alaska. A major public health effort by federal, territorial, state and local practitioners virtually wiped out the most common serious disease among Natives. Although the early chemotherapy aides were obviously not the only factor in the victory, they were a key element in a system of mass case-management.

The reason why is economic. In any place where human populations are so sparsely distributed over enormous distances, the challenge is to build a health care system which will be not only medically effective but economical - and therefore politically feasible. Whether the problem is tuberculosis or any other threat, how does a professionally competent system extend itself out to every patient without creating a financial monostrosity which cannot be maintained over time? The answer, as was discovered with TB, is localism. Any such system must eventually rest on the capacities of the village itself, not just because people have a responsibility to take care of themselves, but because that is the only kind of system which will work in this demographic environment. What everyone learned from the TB experience was that general health care had to be based on a decentralized system of trained paraprofessionals, backed by higher levels of medical expertise at the other end of a radio frequency or a charter flight. Competent local people had to be developed to act as the "eyes, ears and hands" of the public health system's brain and body. To the extent that the system continued to rely on itinerant, centralized, non-Native talent, it would continue to be medically inadequate for the mass and very expensive for the individual case.

Since the middle of the 1960's, the model of the chemotherapy aides has evolved into a more comprehensive paraprofessional cadre of village practitioners known as Community Health Aides. With the successful control of TB, public health attention turned to other critical needs of the village population (e.g., other infectious diseases, high maternal and infant mortality, accidents and injuries, etc.). Significant federal and state funding began to flow into the system in the late 1960's, underwriting salaries and training services, as well as equipment, supplies and the construction of village clinics. One of the remarkable aspects of this has been the evolution of a paraprofessional training curriculum geared to ascending levels of certification and practice. Health Aide jobs provide income, despite the extremely low pay, in village economies which do not have many cash positions available. They bring with them local prestige and a sense of personal accomplishment which Native people are not often provided by non-Native institutions. The development of this remarkable system has been one of the principal causes for a general rise in the indicators of overall public health in villages (eg, extended life expectancy, reduced infant mortality, fewer deaths from serious accidents, significant reductions of certain diseases, etc.).

But, as noted at the outset, the system has experienced a serious operational crisis in the 1980's. Simply stated, it is something which began in primitive form, with limited resources, over two decades ago; and by now it has developed into a full-blown health care system which has quantitatively and qualitatively outgrown its financial base. When systems break down, the symptom appears in the failures of the individual people who make it up. As CHAP has become increasingly overburdened through the years, without sufficient financial growth, it has begun to wear out the human beings on whom it depends.

AFN has appended hereto the recent excellent report of the Yukon-Kuskokwim Health Corporation (Debra Caldera, RN), entitled "Alaska Community Health Aide Program in Crisis" (March 28, 1988). We have also appended a collection of letters to members of the Congress from Health Aides all over the Yukon Kuskokwim Delta. The problems raised in the report and stated in the Aides' own words are not limited to the Bethel region. They are endemic to a system which reaches into every Native village in Alaska.

YKHC's early awareness of the problem arose from the alarming attrition rate in Community Health Aide positions. The statistics are grim. Last year, one-third of all the Community Health Aides in Alaska quit. The high turnover has had a a serious effect on quality of care, due to the lack of training and experience of the new Aides hired to replace those who depart. Exit interviews clearly reveal stress ("burnout") as the principal reason why Health Aides quit. Let me summarize for you our conclusions as to why this attrition rate has developed:

1. Salary levels of primary Community Health Aides and their alternates are dismally low. Even with salary raises resulting from the $5 million FY 89 increase, most Aides in Alaska will continue to be eligible for Public Assistance. We ask an enormous amount from them, and we don't give them enough in return. So, of course they leave.

2. There has been almost a 50% increase in Alaska's village population since 1970. Thus, a system tailored to demands of two decades ago has quantitatively outgrown its base.

3. In addition, quantitative increases in case-loads have resulted from the growing confidence of village residents in Health Aides' capabilities. Not only are there more people, but they are now more likely to come to the clinic when they need help.

4. Qualitatively, the work load has also expanded. As Health Aides have completed higher levels of training, and as expectations have increased in the system, they practice a wider range of more complex procedures.

5. Although alternate Health Aides, salaried at about $4,000 per year, are hired in most villages, they do not significantly reduce the stress on the primary Aide. Villagers want the best practitioners, and because alternates lack training and experience, the primary Aide is under intense demand around the clock.

6. Health Aides are never off duty. Their private lives are disrupted by demands for service at all hours and occasionally by extreme emergencies. Many have begun to exhibit symptoms of stress such as one sees in other areas of the national health system (eg, burnout of nursing staffs, bizarre overloading of M.D. interns and residents, etc.)

7. It takes not only knowledge and hard work but a great degree of personal strength to be a Health Aide in a village. Often, such people are regarded with envy and are the objects of gossip or personal pressure because of their extraordinary functions. Health Aides stand at the center of modern village pathologies over which they have little or no control, such as alcohol and drug abuse, mental illness, suicide, criminal behavior, etc. They see and hear everything that goes wrong, and it takes a toll on them. They stick with it because of an intense personal dedication to their communities.

Before closing this subject, we want to re-emphasize the issue of training. As turnover occurs, in reaction to these stresses, new individuals are hired. If they work without adequate training, the entire level of care suffers. While the FY 89 increase will help to address the salary problem, we still do not have an adequate answer to the training need. Fewer than half the current Health Aides in villages have had enough training to be certified, and fully 30% of them have received less than four weeks of basic training! 57% have less than eight weeks. These data demonstrate, more accurately than any other measure, the extent of the systemic crisis we now face in village health care. We are operating a system which would be regarded as sub-standard anywhere in the United States.

It has been estimated by Native health organizations that we need to increase the number of primary Aides from the current 205 to 448, that we must update training and that we must increase salaries and improve supervision and support - if we are to stop the current erosion and stablize the system for future development. This will take millions of dollars on top of the FY 89 increase. While everyone is cognizant of the federal budget deficit, the Community Health Aide Program is one area which has become a top priority for the AFN.

In closing this section of our testimony, we reiterate our gratitude for the FY 89 increase and our support of the evaluation study. Village Alaska is going to exist for a long time, and a key determinant of its future will be the delivery of an adequate level of primary health care. If the erosion currently experienced can be halted and the system stabilized, village Alaska will enter the 21st century in relatively good shape. If the current crisis continues or worsens, Native people are going to be in real trouble, and the social, as well as economic, costs of that will be enormous.

II. INDIAN HEALTH SERVICE ELIGIBILITY REGULATIONS

The Alaska Federation of Natives strongly urges the Congress and the administration to withdraw the pending Indian Health Service eligibility regulations published in the Federal Register of September 16, 1987. We applaud the additional one-year moratorium on their effective date (to September 16, 1989) recently adopted by the Congress, but we reiterate that the regulations should be withdrawn altogether by the Department of Health and Human Services.

Our reasons for taking this position are: 1) that the regulations will cause physical risk, as well as economic hardship, to a significant portion of the currently-eligible Alaska Native population, the vast majority of whom are low-income people who depend directly on IHS more than on any other federal program and 2) that the eligibility-for-service method used by these regulations to reduce the annual budget of the Indian Health Service is not only detrimental to public health but arbitrary and capricious as fiscal policy.

It has been accepted for some time by the Reagan administration and many members of Congress that one of the domestic cut-backs which must be made to reduce the federal deficit is in Indian Health. Every method considered to date has tried in some way to reduce the size of the eligible service population. The first attempt, in 1986 and 87, attached IHS eligibility to race, requiring that patients demonstrate a minimum 25% blood quantum in order to receive services. Under intense public pressure, that idea was withdrawn. The next attempt, currently pending, attaches eligibility primarily to tribal membership, with an additional requirement of geographical residency.

In Alaska, this means that a Native person will be required to document his or her membership either in a federally-recognized village tribe (whether organized as a Traditional Council or under the Indian Reorganization Act) or in an ANCSA corporation (presumably by the ownership of at least one share of stock, whether obtained through original enrollment, inheritance, new issuance or an inter vivos gift.) The Native minor children of adults so eligible will be automatically eligible until their 19th birthdays, at which time they will be required to establish their own eligibilities through village tribal or ANCSA corporate memberships. Additionally, a Native person eligible by one or both membership criteria, will have to meet a confusing geographical standard which takes into account present residency, original residency, recognized Health Service Delivery Areas and the difference between direct and contract services. The net effect of it all - and this is the clear intention behind the policy - is that a lot of very needy, very Native, people are going to be out.

The following is a point-by-point critique of the regulations and their consequences for the Alaska Native population:

1. VILLAGE TRIBAL ENROLLMENTS. Demonstrable membership in a village tribe will be one key avenue to IHS eligibility, but the sad fact is that very few Alaska villages have any up-to-date tribal rolls. No one knows precisely who belongs to them, since they have never been required to identify their own criteria for membership and enumerate the people who belong to them. It is reliably estimated that only 21 of the 197 federally-recognized village tribes have some form of enrollment system either now in place or being developed. The villages of Southeast Alaska, under the aegis of the Central Council of Tlingit & Haida Indian Tribes of Alaska have pioneered this effort. But most villages in all the other regions have nothing, and their regional organizations are now beginning to calculate the time and cost which will be involved in completing them.

   There has been only one accurate, comprehensive roll of Alaska Native people completed during the last two decades - the ANCSA enrollment - and it is woefully out-of-date. That effort, begun in 1972, cost millions of dollars, employed dozens of people over the years, was closed and then reopened several times and came to a final count on December 31, 1981. Since so many of the Natives included on that final roll have now died, and so many others have been born since 1971, it is useless for any determination of IHS eligibility. However, the historical effort which it required is instructive.

If village tribal rolls are to be done, the United States government, through the Bureau of Indian Affairs, will have to put a great deal of money into several years of work. That is a laudable goal for many reasons, quite apart from the pending IHS eligibility regulations. It would be good for all villages to define their membership and to create up-to-date rolls, despite the effort and cost. But if federal funds are not available, it cannot be done. In that case, a clear majority of Alaska Natives now alive will not be able to demonstrate tribal village membership - or will be able to do so only by unorganized village decisions which will clog the federal courts with suits.

An additional problem with tribal village enrollments is that more than 30 Native communities have been inadvertently left off the Federal Register list of recognized tribes which is published by the Secretary of the Interior. Even if they were assisted in completing their rolls, their members may well be denied IHS services unless and until the Secretary extends federal recognition to them.

But the real problem is that even if village tribal enrollments can be completed under the pressure of the eligibility regulations, such enumerations will exclude literally thousands of Natives. This is particularly true of urban Natives who may not reside in a village or even be able to document a birthplace there. Of the 80,287 Natives on the original ANCSA roll, 23,642 (29.4%) were not enrolled to a certified village. Many of them enrolled as at-large regional shareholders only, others enrolled to places which were not certified as Native villages and thereby also ended up in the at-large category, while still others enrolled to the 13th Region outside the state. If almost 30% of all Alaska Natives in 1971 did not establish legal connection with a recognized village, the percentage of "non-village" people is probably higher in 1988. Clearly, a large minority of the current and future Native population, inside and outside the state, is likely to be left off any rolls done for village tribes. As a result, that door to IHS eligibility will be closed on them, although they are no less Native than enrolled village tribal members and, in most cases, no less economically deserving of federal service. They will be left with the other possibility - ANCSA corporate membership - as their only vehicle to IHS eligibility.

2. ANCSA CORPORATE MEMBERSHIP. Benefits of the Indian Health Service are a public obligation which has been assumed by the United States and is provided to Native Americans in their status as Native Americans. Making eligibility for such services depend upon the ownership of a piece of private property in a private company is not only questionable social policy but also a guarantee that thousands of individual Natives will be denied a public eligibility because of private circumstances over which they have absolutely no control.

Although original issuances of ANCSA stock were mandated by law to be equal (100 shares to every enrolled shareholder in a recognized ANCSA corporation), subsequent patterns of death and inheritance, along with the births of more than 25,000 "New Native" children, have now made the outstanding stock distribution inequitable. Some Native people own their original 100 shares. Others own several hundred, due to inheritance on top of original issuance. Others (New Natives who never received an original 100 shares but who have inherited a few shares from a deceased relative) have less than 100. Most new Native children have none at all. Recent 1991 amendments to the Settlement Act provide the option of new issuances of ANCSA stock to New Native children and for inter vivos gifts of stock within families, and these may be two methods of redistributing stock in response to the new IHS eligibility regulations. However, it is no guarantee.

What is to be done for the New Native child, once he reaches the age of 19, if he has never inherited, been issued or been given a single share of ANCSA stock, and if he is simultaneously not enrolled to any village tribe (either because such enrollments have not been completed or because he could not establish a sufficient membership claim to be accepted anywhere)? The answer is that he is out. He may be just as Native and just as deserving of health services as anyone else, but there is no membership mechanism by which he can get in the front door of any IHS facility. Worst of all, his exclusion is almost purely random, a kind of lottery. If his numbers don't come up, he loses. That is arbitary and capricious law.

An additional problem arises in the documentation of stock ownership, even if the New Native individual has inherited shares. Most stock registries in ANCSA regional and village corporations are nowhere near up-to-date. Inherited stock often takes months or years to be transferred on such registries, and many original stock certificates have been mislaid in the past 17 years. Even if a person has inherited shares, how does he prove that fact at the admissions desk of the IHS facility?

Not the least reason why the Alaska Federation of Natives urges the Congress and the administration to withdraw any IHS eligibility regulations which use a criterion of corporate membership is that the ANCSA institutions, which are the private property of thousands of individual owners, should not have their future shareholder decisions about stock influenced in any way by eligibility for a public service. If the corporations are truly private businesses, they should be left alone, unencumbered by public considerations which lie beyond the economic interests of their owners.

3. ELIGIBILITY OF MINOR CHILDREN. It should be noted that the automatic eligibility of a minor child (up to age of 19) of an eligible Alaska Native does not apply to the adoptee, foster child or step-child of such a person unless the natural parent of that child is known and can be proved to be Native. Hence, the concept of race continues to intrude on the concept of membership. The recently-adopted 1991 amend ments to ANCSA specifically rejected such a policy by defining "descendants of Natives" to include the adopted children of Native families, without regard to race. Those amendments said, in effect, that family is more important than color in any humane social policy, and no non-Native adopted child of a Native family should be treated differently from his Native step-brothers

and -sisters in determining eligibility for stock inheritance, voting rights, etc. The pending IHS eligibility regulations are a step backward in that regard. If adopted, they could become a quiet, almost unconscious, disincentive to the adoption of non-Native children by Native families which depend on the Indian Health Service for medical and dental care. Whatever role race should play in the broad field of Indian policy, this kind of personal intrusion in the lives of individuals has no place in the law. The modern family has enough to bear. In the absence of a compelling social interest, it should be left alone to make its most impo rtant decisions as it sees fit.

4. RESIDENCY REQUIREMENT. In addition to the requirement of village tribal or ANCSA corporate membership, Alaska Natives will have to contend with an intricate residency requirement which will fall most heavily on those living outside Alaska. In order to qualify for services, a Native will be required: 1) to reside within a recognized Health Service Delivery Area or 2) if originally born in an HSDA but now living outside any HSDA, to travel to an IHS facility in any HSDA in the United States in order to receive direct services. That person will be ineligible for any contract services (provided by an non-IHS facility and reimbursed by IHS) anywhere else. That will be a very effective deterent to service access. But the worst impact will fall on the Alaska Native who has never lived in an HSDA (that is, was born and currently resides

somewhere else and receives IHS contract care.) That person will become ineligible for either contract or direct care, even if he or she were somehow able to get to a recognized HSDA.

One unintended consequence of such a geographical requirement is that it will become a subtle disincentive to mobility. People are astute in calculating the costs of significant life changes, such as physical migration in search of educational or career opportunities. Because health services are the one program which directly affects the lives and pocketbooks of so many people and which they literally cannot do without, they will take into consideration IHS eligibility in any decision involving a move. They will hear clearly the subtle message of the new regulations: "Stay put. Even if there is a real opportunity elsewhere, do not aspire to advancement at the risk of health services for yourself and your family."

5. PUBLIC POLICY. Our final point reiterates the fact that the eligibility-for-service method employed by the proposed IHS regulations is an inappropriate way to address the goal of cutting IHS nationwide. Americans may argue about who is responsible for the federal deficit and about which programs should be cut in response to it. The obvious answer, from the viewpoint of low-income Native Americans, is that IHS should not be cut and that the Congress should appropriate

adequate funds to meet its needs. But if that is not politically feasible, the government should not achieve the cutback by defining artificial categories of Native Americans who will be thrown out.

If a hospital or medical program in the south 48 encounters a serious fiscal crunch requiring it to cut back services by 10%, the logical thing for it to do is to decide which services it will no longer provide to all of its clients. It does not achieve its goal by announcing that, as of a certain date, it will refuse to serve every 10th person who walks in the door. If something has to give, it should give equitably, in response to a professional analysis of the most pressing health needs of the entire client population. People may not like that, but it will be fair. The law has a critical interest in appearing, as well as being, non-arbitrary. When it fails that test, government engenders bitterness and social divisions which are almost always worse problems than those addressed by the original decision.

Because eligibility for this one federal program reaches directly into the life of every Native family, the Alaska Federation of Natives strongly urges the Congress and the Department of Health and Human Services to withdraw the pending regulations permanently and to address the fiscal problems of the Indian Health Service from the standpoint of public health, not social ideology.

INTERIM REPORT

OF

SENATE SPECIAL COMMITTEE ON SUICIDE PREVENTION

BY

Senator William L. Hensley, Chairman
Senator Johne Binkley
Senator Richard Eliason
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STATE OF ALASKA

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TABLE OF CONTENTS

		PAGES
I.	Introduction	1 - 3
II.	Review of Current Knowledge of Suicide in Alaska	4 - 10
III.	Alcohol and Suicide	11 & 12
IV.	The Current State System to Address Suicide	13 - 16
V.	Findings from the Public Hearings	17 - 30
VI.	Draft Recommendations	31 - 39
VII.	Departmental Response	40 - 42
VIII.	Public Response	43 & 44
IV.	Recommendations	45 - 48
X.	Bibliography	49
XI.	Appendix	

INTRODUCTION

It is the strangeness that causes the bewilderment and incomprehension of death by suicide. Why should a person consciously choose this solution and its finality over the condition of living? How can a person's natural instinct to survive be so eroded or overwhelmed?

It is the dramatically increasing frequency of suicide and suicide attempts that causes the alarm. Why are Alaska's suicide rates so much higher than national averages? Why are they so high among youth? Do these increasing occurrences indicate fundamental societal flaws or forces we do not understand or are not even aware of?

With these kinds of feelings and questions I attempted to respond to the many pleas for legislative help during the last session on the problem of suicide. Furthermore, I found that my Senate colleagues similarly faced a growing concern about the occurrence of suicide deaths in all parts of the state and were equally perplexed. What should be done? The uncertainties of the nature and causes of the problem were matched by uncertainties about programs available to help address the problem.

I introduced Senate Resolution 19, Establishing a Senate Special Committee on Suicide Prevention, to bring some focus to the problem and find some answers. Its quick passage testified to the Senate's regard for the importance of the issue. Besides myself, Senators Binkley, Eliason and Rodey and the late Senator Bennett were appointed to provide the breadth of experience and geographical representation that the issue required. The committee was charged with investigating the problem of suicide in the state, especially among Native peoples and Alaska's youth. Equally important, the committee was also charged to search for, review, and recommend programs that had shown success in the prevention and treatment of suicide.

From the beginning we recognized that the problem had many diverse elements and aspects. Community, economy, family, school, mental health, alcohol and drug abuse, cultural factors may all play a role in an individual situation. We also recognized that any programmatic attempt to address the needs of people at risk would have to necessarily involve almost all state and local structures we have established to protect the health, education, and social well being of Alaska's citizens. Furthermore, we recognized that the nature of the problem in a rural setting may not be identical to that in the urban setting. Efforts to successfully prevent or treat suicide attempts then would be significantly dependent on their suitability to a community or area.

During the period between legislative sessions the committee sought to:

1. Review all published research, studies, and reports pertinent to Alaska's suicide problem.

2. Solicit the knowledge, experience, and opinions of Alaska's professionals in social work, health care, public protection, and education who confront the problem of suicide.

3. Solicit the knowledge and opinions of the Alaskan general public who through direct experience and concern offer insight into what can or should be done about the problem of suicide.

These last two goals were accomplished in large part through a series of public hearings held in Sitka, Anchorage, Fairbanks, Bethel and Kiana.

This report is a consolidation of the committee's effort to date. It includes contributions from persons of many occupations, often arising from personal experience with suicide. Students, parents, Elders, agency people, and educators testified to the seriousness of the problem and the desire and critical need for government action.

The large response to our effort affirmed the necessity and importance with which Alaskans viewed the work of the committee. It also underscored the recognition that ultimately any solution would require not only action by the State, but the understanding, cooperation, and efforts of all segments in a community or region.

William L. Hensley, Chairman
Senate Special Committee on
Suicide Prevention

REVIEW OF CURRENT KNOWLEDGE OF SUICIDE IN ALASKA

Suicide has been recognized as a major health problem in Alaska for at least a decade and a half. As early as 1971 Kraus presented a paper at the Second International Symposium on Circumpolar Health which reviewed suicides among all Alaska natives between 1950 and 1970. He reported a stable incidence rate between 1950 and 1964 but described a sudden doubling of the rate in 1965. This higher rate continued through the end of the study period in 1970. Kraus reported that the increase was accounted for almost entirely by suicides in the 10 to 30 year age group with the highest risk among 15 to 25 year olds. In 1978 Kraus, in collaboration with Buffler, published a second report which further documented the seriousness of suicide in Alaska. The report noted that during the period of 1970 - 1974 the Alaska Native rate of suicide was approximately 3.5 times greater than the Alaska non-native and the general U.S. population rates and almost two times the rate for all American Indians.

In late 1978 Blackwood issued a report for the Indian Health Service on suicide. He states:

> "In the 1950's, suicide, deaths averaging 5 per year, were a relatively insignificant problem for Alaska Natives. The suicide death rate fell way below the ten leading causes of death at the time. Since then however, suicide has risen to become the second leading cause of death for Alaskan Natives."

Blackwood not only confirmed Kraus and Buffler's data on Alaska Native suicides during the early 1970's but also indicated that reported injuries (morbidity) resulting from suicide attempts among Alaska Natives showed that for every suicide death there were from 10 to 20 serious suicide attempts. This suggests an even more serious problem than indicated by the high suicide rates alone.

In 1984 the Alaska State Legislature, at the urging of the Native Health Corporations, appropriated funds for the Alaska Native Health Board to conduct the Rural Health Issues Study and Statewide Suicide Evaluation Project. In November of 1985 the report was issued and it found that "Suicide attempts and completions occur more frequently among the Alaska Native Population than among non-Native Alaskans." The report further documented the changing trend towards more youthful suicides in the Alaska Native population. The highest at risk group in the 1980's has been the 15 to 24 year old Alaska Native male. This latter statistic was confirmed through 110 unvalidated community responses to the ANHB Suicide Survey. The survey responses also demonstrated a high suicide attempt rate among Native females in the same age group.

The most comprehensive statewide study of suicides in Alaska was completed by Forbes and Van Der Hyde in 1986. They found that during the years of 1978 - 1984 Alaska's suicide rate was among the four highest in the United States in every year except 1979. They noted that the rate of suicides among 15 - 24 year old Alaska Native males was more than six times the natural rate for white males in the same age group.

In late 1986 Hlady and Middaugh issued their epidemiologic report on suicides in Alaska in 1983 - 1984. They found the annual age-adjusted suicide rate of 21 per 100,000 for Alaska as a whole to be almost double the national average. The rate for Alaska Natives of 43 per 100,000 was twice the overall Alaskan rate. The report indicated that the highest rate of suicide was among Alaska Native males, aged 20 - 24 years, 257 per 100,000. This rate is 13 times the Alaskan average.

Hlady and Middaugh's report not only documented the seriousness of suicide in Alaska but also delineated significant problems with the system used by Bureau of Vital Statistics to gather and record data on suicides in Alaska. They indicated that most of the studies prior to 1986 relied heavily on data from the Bureau which was inaccurate due to incidences of underreporting of data (a suicide is officially reported as something else), misrecording of data (a suicide is reported but recorded as an accidental death), and underrecording (a suicide is officially reported on a death certificate but is not recorded in the Bureau's data system). These discrepancies are highlighted in Marshall and Soule's 1986 report on suicide deaths in the Yukon-Kuskokwim Delta during 1979 - 1984. Of the 32 suicides identified, only 7 appeared in the Bureau of Vital Statistics data system. Seventeen of the 32 suicides were misrecorded and underrecorded. Underreporting added another eight to the total.

During this same time period Forbes and Van Der Hyde evaluated the Bureau's computerized data system. They found that the required death certificates were being filed in a timely manner, but the legal determination of suicide was made weeks or months later at the autopsy or inquest and this new information often was not entered into the data system. Their review of death certificates for 1978 - 1984 indicated that 38% of officially reported suicides did not appear in the data system. Hlady and Middaugh's report made a number of recommendations for improvements to the Bureau's data collection recording system. These will be considered in the recommendations section.

The studies cited in the preceding pages focus on the epidemiology of suicide in Alaska. Such studies tell us who, in terms of sex, age, ethnicity and location, is committing and attempting suicide, in what numbers and how that information compares to information from other places. Detailed epidemiological studies can describe many characteristics of a given group of suicides and can note patterns, as Marshall and Soule's 1986 study of suicide in the Yukon-Kuskokwim delta noted that of 28 suicides by Alaska Native males, 75% were between the ages of 15 and 34; over 89% had never been married; over 78% died by gunshot; over 71% of those who committed suicide were intoxicated at the time of their deaths. Such studies can provide a detailed picture of the "typical" suicide, but cannot answer the critical question, "why?"

Etiological studies focus on the causes of suicide. They seek to answer the question "why." There are few etiological studies of suicide in Alaska. Kost-Grant (1983) reports on psychiatric consultations concerning 34 Alaska Natives who survived a self-inflicted gunshot wound and notes that most cited interpersonal conflicts, an argument with a family member, rejection by a boy or girlfriend, as a partial cause of the suicidal action.

Most etiological speculation has been based less on hard data and more on the experiences, conversations, and insights of their author and on more formal work completed outside Alaska. In 1985 the Alaska Native Health Board issued a study based in large part on "extensive anecdotal evidence from every city and village in the state." Information was collected from public meetings, a written questionnaire and face to face and telephone interviews. While primarily epidemiological in approach, the study does suggest a link between suicidal behavior and community stress, citing specifically the stress caused by rapid social change.

Most of the literature that addresses the possible reasons for the terribly high suicide rate among young Alaska Native males suggest that both the personal factors, as cited by Kost-Grant, and the sociocultural factors, as described by the Alaska Native Health Board are contributors to the problem. There is not one cause of suicide only the last in a series of causes.

The public testimony received by this committee indicates that many Alaskans, professional health care providers, teachers, students, villagers urbanites share the view that personal, social and cultural pressures contribute to the feelings of helplessness and despair that lead to suicide.

Epidemiological studies have informed Alaskans about the size of the problem. The overall rate of suicide in Alaska in recent years is almost twice the national rate. The rate of suicide among Alaska Natives is double the all Alaskan rate. The rate of suicide among Alaska Native males between 15 and 24 is six times the national rate for that age group.

Epidemiological studies have told us that the suicides are not distributed evenly across the state, but rather that some regions and some villages within regions have much higher rates than others.

Epidemiological studies have also told us that from two thirds to three quarters of Alaska Native suicides are alcohol-related and that most involve the use of a firearm.

Works that speculate on the causes of suicide point to rapid culture change, dysfunctional families, the personal and interpersonal havoc caused by alcohol abuse, the accumulation of overwhelming grief created by the too often violent deaths of too many family members and friends.

But for all the studies, all the speculation and all the concern, we still cannot adequately pinpoint who is most at risk. For every village suffering from a high rate of suicide, there is a village that has known few or even no suicides. For every young man who grew up in a home plagued by alcohol abuse who takes his own life, there are several young men who grew up in similar homes who are not merely surviving, but living happy, healthy, productive lives.

There is a need for detailed research to help us understand not only the factors that lead to suicide, but also the factors that lead to success. Such research will enable us to isolate the predictors of suicide in a way that makes possible the design of prevention and intervention programs targeted precisely at those most at risk. Such research will enable us to identify and support the elements in family, school community and cultural life that build the self-concepts, the value systems and the social and intellectual skills associated with spiritual and emotional strength and the will not just to live, but to participate fully and joyfully in life.

Research needs are further discussed in the recommendations section.

ALCOHOL AND SUICIDE

That there is a relationship between alcohol abuse and suicide (and other forms of personal and interpersonal violence) is quite clear. However to say that alcohol abuse causes violence and suicide is to oversimplify the complexity of both the relationship and the causes. Alcohol abuse needs to be considered in several ways. It both contributes to and causes personal problems. It damages the sense of judgement and increases the likelihood of impulsive behavior. It also is a symptom of deeper social and personal conflicts.

The relationship can have both a long term aspect as well as immediate and direct effects. Research shows that young people who commit suicide often had profoundly troubled childhoods. Frequently the source of the trouble is the unpredictable and sometimes violent behavior of alcohol abusing parents. Children who grow up in homes free of alcohol abuse are far more likely to learn the life skills needed to be successful and to have positive images of themselves and their worlds.

Young people who commit suicide are also likely to have experienced conflicts with family and societal institutions during adolescense. The likelihood of such conflicts is increased if the young person is a substance abuser.

People who commit suicide are likely to be intoxicated at the time of their deaths. A study of 36 suicides in the Yukon-Kuskokwim delta over a six year period showed that 72% of all victims were intoxicated at the time they took their lives and 78% of those between the ages of 15 and 24 were intoxicated at the time they died. Would they have committed suicide if they had not been drinking? There is no simple answer. Research tells us that people who commit suicide usually have a lengthy history of problems and have been thinking about suicide for some time. The act, as opposed to the thought, however, appears in many cases to be impulsive and facilitated by intoxication.

Public testimony summarized later in this report indicates that many believe the underlying facts which contributes to both alcohol abuse and suicide are similar. The disruption of traditional, cultural, social, familial, and economic patterns caused by the impact of a new and different culture's values and lifestyles has contributed to a sense of personal powerlessness and confusion. These feelings lend to self-destructive behaviors such as alcohol abuse and suicide. In this view, alcohol is a form of self medication, a way of temporarily easing the sense of despair. But because alcohol in larger amounts is a depressant, the despair returns even stronger. "I drank to feel better, but I ended up feeling worse." In the end, if you don't feel very good about yourself or your life, you don't take very good care of either. Continued alcohol abuse is one way of not taking good care. Suicide is both the ultimate expression of not caring and a desperate last stand assertion of power and control.

THE CURRENT STATE SYSTEM TO ADDRESS SUICIDE

When faced with the horror of a completed suicide: one often agonizes over whether something could have been done to keep the suicide from occurring. Often, people wish that "the system" could have provided help. The State of Alaska has created a system to respond to suicide attempts. At present, however, it remains inadequate to address the rising incidence of suicidal acts.

The state agency with the primary responsibility for suicide intervention is the Division of Mental Health and Developmental Disabilities (DMHDD) located within the Department of Health and Social Services. This division funds 27 community mental health centers and provides grants to several other agencies located in urban and rural Alaska. All community mental health centers are required to provide 24 hour on-call services for emergencies such as suicide. Several local crisis lines and one statewide line are also funded by the division. The Alaska Psychiatric Institute is directly managed by the DMHDD and provides 24 hour psychiatric inpatient services for persons who are in imminent danger to themselves or others due to emotional problems. Many suicidal people are sent to Alaska Psychiatric Institute from around the state for evaluation and treatment. The DMHDD also provides funds for local hospitals in Fairbanks and Sitka who have agreed to become designated facilities. As part of designation, these hospitals will provide care to suicidal people. All who receive funds from the DMHDD are required to serve people in need regardless of their ability to pay.

The services currently provided by the DMHDD seem to be inadequate for several reasons. First, many people do not know local agencies exist and can provide help for suicidal people. Second, local agencies may be located many miles away from the suicidal person, making timely response impossible. Third, persons who work for the agencies are often overwhelmed by the number of persons and problems they are dealing with and do not engage in work to prevent suicide as prevention is a lower priority for service than direct emergency care.

Other state funded agencies are often called upon to intervene in critical situations relating to suicide. State troopers and Village Police Safety Officers (VPSO) are often asked to take temporary custody of persons and to place them in a setting in which they are not dangerous to themselves. Staff of the Division of Family and Youth Services may be asked to intervene in critical situations, though their mandate does not include this type of service. The Council on Domestic Violence and Sexual Assault has also been involved in working on issues in suicide.

The large association of alcohol and drug abuse with the occurrence of suicide in the state necessarily introduces another system, the State Office of Alcohol and Drug Abuse (SOADA). Since this system provides for people with or susceptible to drug and alcohol problems, it therefore has a cliental in part of people at risk. The system provides a full range of prevention, intervention and treatment services.

The prevention services rely on educational and training activities. Included are programs with school districts that seek to enhance positive attitudes, values and behavior in which alcohol and drug abuse is unacceptable.

Intervention services seek to identify persons in need and encourage them to enter and accept treatment. The treatment programs provide a variety of rehabilitation and counseling services for drug and alcohol abuse. In addition a network of volunteer groups, such as Alcoholics Anonymous, provide additional support and post treatment.

The fact that these agencies have responded to the need to address suicide is evidence of the overwhelming need for services and the compassion of many people in our human service system. However, it often creates a confused, patchwork approach to the problem.

Although not part of the formal system intended by law to address suicide issues, the schools of the state have become engaged with the problem. Few school districts in Alaska have escaped the tragedy of a suicide occurring among their students. Those who have experienced an attempted or completed suicide have taken the initiative of seeking avenues to prevent future attempts and to help the school community understand and grieve the tragedy in a constructive manner. It has been because of the concern of a particular teacher, counselor, administrator, or other individual that schools and school districts have taken measures to train staff and offer instruction to students.

Schools have taken upon themselves the identification and referral of students who have demonstrated suicidal tendencies to mental health counselors where they are available. They have held school assemblies after a suicide or violent death to help the student body deal with the loss of a fellow classmate. School counselors, where available, have worked with crisis intervention programs and some districts have trained teachers and administrators to be site counselors in rural schools. Out of an individual interest, teachers have developed curriculum for their classroom, and have been trained in dealing with death and dying -- all in hope of preventing a classmate or friend from committing suicide.

Unfortunately, these attempts have been fragmented. Unless there is a committed school board, administrator, counselor, or teacher to see that these efforts are continued, they soon go by the wayside.

It should be noted that many, if not most, suicidal people are seen outside the state system. They may talk to a minister, spouse, friend, or other acquaintance in whom they have some trust and confidence. They may be seen in the emergency room of the local hospital. Research is providing mounting evidence that those experiencing severe problems, such as suicide, would rather go to someone known and trusted than to contact an outside agency. It is most often family or acquaintances who contact outside agencies once the situation becomes critical.

FINDINGS FROM THE PUBLIC HEARINGS

The Committee conducted seven public hearings throughout the State in the Fall of 1987. In Fairbanks six persons, mostly health care providers or administrators, testified. At the Bethel hearings, held in conjunction with the Yukon-Kuskokwim Mayors conference, seventy to eighty people listened to a panel discussion, question period and formal testimony from service providers and village residents. At hearings in Sitka before a meeting of regional health care groups, seventeen providers and administrators addressed the committee. In Kiana where the hearings were part of the agenda of the North and Northwest Mayors Conference, thirteen village residents, high school students, human services providers and teachers offered testimony, while an additional forty to fifty people listened. In Anchorage, hearings were held in conjunction with the annual meeting of Alaska school administrators. After a panel discussion and question period, eleven educators from many different parts of the state addressed the Committee. Also in Anchorage a joint hearing was held with the Governor's Interim Commission on Children and Youth. Thirty parents, health and human services providers, teachers, and students testified. The final hearing took place in Sitka where the committee heard testimony from twenty to thirty students at Mt. Edgecumbe High School. The Committee also accepted written testimony from persons unable to attend the hearings.

In opening each hearing the Committee asked that persons testifying address the issue of the prevention of suicide: what programs currently in place seem to be effective; what needs to be changed; what new programs and efforts are needed. The testimony reflects this "what we can do" focus and offers many concrete suggestions for the prevention of suicide. This section summarizes the testimony and notes the themes and variations in comments and recommendations from various parts of Alaska. It is divided into four broad areas: the context in which people from urban and rural areas view suicide; health and social services delivery systems; prevention and treatment services and service barriers; and research and data collection. All phrases in quotation markers are verbatim from the hearing transcripts and written testimony.

The Context

Those testifying from an urban frame of reference were chiefly concerned with suicidal behavior among adolescents. They viewed the high school as the "front line of defense" against suicide.

Rural residents tended to see self-destructive behavior as a symptom of the intense problems created for individuals, families and villages by rapid and dramatic changes in cultural systems and lifestyles. While agreeing that some suicide prevention activities should take place in the high school, they saw the community as the critical institution in suicide prevention. This difference is reflected in the specific suggestions for new programs and for changes in the way in which some of the services of the Department of Health and Social Services are delivered. Urban residents focused on programs in the high school and on changes in the interface between the school and the various health and social services agencies. Rural residents emphasized programs in the villages and increased community control of services.

Urban and rural residents agreed that substance abuse plays a significant contributing role in the problem of suicide, and that treatment programs for troubled youth are too few and too expensive.

Urban

Urban focused testimony suggested three general areas in which new programs or changes in current procedures are needed. First, troubled youth need to be identified sooner. Suggestions here included various kinds of training for teachers, making suicide education a part of the high school curriculum, programs that build on the skills of peer "natural helpers."

Second, it has to be made easier to get troubled youth the help they need. Educators and parents were sharply critical of what they see as the lack of coordination and major services gaps among the various helping agencies.

Third, schools must be prepared to assist students (and staff) with the strong and painful feelings caused by any sudden violent death of a member of the school community. Teacher training and the development of school-community crisis response teams were suggested.

Rural

Many of those testifying about suicide in rural Alaska discussed the need to see suicidal behavior in the context of the cultural, social, family and economic stresses that currently exist in many villages. Suicide as a symptom of family and community dysfunction was mentioned by service providers, adults and youth at each of the hearings. By weaving the testimony together the following picture of the way in which people view suicide, specifically suicide among Alaskan Natives emerges. Rapid change in cultural patterns and values combined with an enforced decline in subsistence activities and increased pressures to take part in the cash economy have disrupted traditional relationships and patterns of village life. Elders and youth often no longer speak the same language. Many youth seem to have little desire to live in the same ways as their parents and grandparents and may see the activities and opportunities available in small communities as too limiting. The connections and communications between generations have become strained or broken.

This is a painful situation for both young and old and many of those testifying expressed the view that alcohol is used in an effort to escape the pain, stress and frustration created by "massive cultural dislocation." The abuse of alcohol further weakens the bonds of family and community by destroying communications within families and communities, by increasing the incidence of violence and of child neglect and abuse, and by damaging the individual and community sense of self-esteem.

Testimony offered by the students at Mt. Edgecumbe described children growing up in families which they perceived as failing to offer needed attention, direction and feelings of love. Adults testifying in Bethel and Kiana spoke of young people "not knowing who they are," of conflict between home values and school values, of Elders who want to help but, burdened with pain of their own, find it difficult to make contact with young people. Youth blame the parents and Elders for abandoning them in a contradictory world of confusing paths, many deadends and the too easy availability of the false comfort of drugs and alcohol.

In the view of those testifying, the heavy use of alcohol and drugs adds to the sum of despair, and thus directly contributes to suicide. While suicide is an individual act, it is also "really beyond the individual because it is in the environment," in the "social and emotional dysfunction of families and communities." "Suicide is a family disease." "We cannot divorce such problems as suicide from the social conditions that produce an environment conducive to the problem."

Health and Social Services Delivery Systems

Rural

This is the area of recommendations in which rural Alaskans see the possibility of addressing the larger context in which they place the problem of suicide. In both criticisms of the current approach and suggestions for improvement, there was a striking similarity in the testimony from hearing to hearing. Village residents and rural service providers and administrators use similar terms to define the problems and make similar suggestions for solutions.

Testimony suggests a general feeling that the current model of human services delivery to Alaskan villages is not working. This model was described as relying heavily on itinerant, non-Native professionals based in regional hub communities. These professional are employed by different divisions within the State and Federal government. Each division has its own statutory authority which limits who can be served, how services can be offered or/and imposed and for what specific problems.

Many criticisms of this approach were offered. The use of itinerant professionals has not proven effective. They do not understand the culture, relationships, or values of the communities they serve, in part because the itinerant model and heavy workloads do not allow them enough time in any one community. As a consequence they remain little known and less trusted. In a crisis, they are usually not available in time to be of real help. The fragmentation of human services among various agencies creates confusion among those who want or need the services. Statutory limits and lack of inter-agency coordination create situations in which those who need help don't qualify to receive it or are shuffled from agency to agency.

Village residents testifying in Bethel and Kiana stated that the time has come for the villages to take the responsibility for healing themselves and that village people must be trained to do the work. This healing must occur at the individual, family and community levels and must look to the Elders and the culture for strength and wisdom. The State's role should be facilitative, providing on-going funds to village and tribal councils for locally determined, directed and staffed programs and providing technical assistance and training as the villages request.

Rural service providers and educators echoed these statements, calling for the development of a system of village mental health aides, counselors and outreach workers, who would provide intervention, counseling and follow-up services within their own communities and who would work with village councils to establish a variety of village-based education and prevention programs. One person testifying suggested a model in which regional community development workers, local residents, would train and assist village community development workers in the organization and development of village resources to address the full spectrum of emotional, behavioral, family, and socio-economic problems. "Policy makers must realize that economic development, local hire, local control of schools and communities, the future of subsistence and a sense that local people can control this, all of these impact the emotional life of people."

Testimony suggested a number of system change alternatives to facilitate this community-based, broadly defined approach to change and healing. Rather than offering a series of "specialty shop" programs, as one for substance abusers, one for the prevention of substance abuse, one for suicide attempters, another for abused children, and so on, the Department of Health and Social Services should allow villages to opt for a "general store" approach, one program funded to provide whatever mix of services a village determines it needs. Block grants, with the statutes to support the full integration of funds, regulations and services, were cited as a means of accomplishing this.

Other testimony suggested that an "Office of Rural Health" should be developed to administer this new, integrated approach to supporting village-based programs.

Urban

Testimony from urban parents, teachers and service providers make it quite clear that service gaps and lack of inter-agency coordination are very much urban issues as well. "Many of the community agencies are so busy competing with each other for the limited dollars that the ability of those agencies to work together is decreased." Complaints that services are too fragmented and agencies are too turf conscious were common. Specific ideas for reform in the urban context were less common, but the general suggestion that the Department of Health and Social Services needs to provide direction to resolve the problems was made by many.

Specific suggestions for system changes in an urban context included: "Each school needs one local lead agency identified to them by the Department of Health and Social Services that will serve as the point of intake/contact for these youth in crisis;" and the creation of a special commission to design and oversee the coordination of services and the development of clear service system entry points.

Prevention and Treatment Services

This section lists and briefly describes the many ideas for suicide prevention programs presented to the Committee. Prevention and intervention programs are divided into those that are based in the community and those that are based in the school. Programs for the treatment of suicide attempters are discussed separately.

Community Based Programs

The "natural helpers" within a community should be identified, trained, and supported by the mental health professionals working in the region. Mental health professionals should be trained in this community oriented approach to service delivery, trained to recognize and work with community strengths and natural support systems.

One example of this approach is the development of community crisis response teams, trained and ready to intervene to prevent suicide and to assist those affected by the suicide or suicide attempt of a friend, relative, or classmate. Crisis response teams currently function in some villages in the Tanana Chiefs' region and in the city of Fairbanks.

More follow-up and support services for persons returning from treatment need to be available in the smaller communities. Health aides and village public safety officers should be trained to intervene in mental health crisis situations.

Communities should have various kinds of support groups for persons at risk, persons who have lost someone close through suicide, and for suicide attempters. These groups can effectively be run by lay persons, supported and assisted by mental health professionals as needed.

Various kinds of community education programs and workshops were cited as significant steps towards suicide prevention, include classes in parenting, (several parents mentioned the ToughLove Program), and open discussions of the causes and warning signs of suicide.

Youth groups were frequently mentioned. Important elements noted for youth groups include: recreation; skills training; community service; activities that challenge youth and promote growth; activities that transmit cultural knowledge, particularly through the involvement of Elders; activities that teach entrepreneurial skills.

Many persons testifying from the smaller communities spoke of the need for places where youth and Elders could meet. Mt. Edgecumbe students were particularly outspoken in their comments about the absence of activities and facilities for youth in the villages from which they came.

School-based Programs

Youth are more likely to talk to their friends about their feelings and problems than they are to talk to a teacher, counselor or parent. The ability of friends to help friends can be enhanced through appropriate training and support programs. Natural Helpers and Peer Counseling programs have proven effective in many schools in Alaska and should exist in all junior and senior high schools.

Junior and senior high schools should include suicide prevention education in their curricula. Teacher-ready materials should be developed and made available to all schools. Schools should bring community members and mental health professionals into the classroom to discuss suicide and suicide prevention. This program should include recognition of warning signs, how to help a friend, when and who to call for professional help. Teachers should be trained in suicide prevention. This training might include: recognition of suicide warning signs; intervention and referral of students perceived to be at-risk; psychological first aid; appropriate crisis responses. It was suggested that such training be incorporated into teacher training programs at Alaskan universities and included in in-service trainings. There was some feeling that such training should be mandatory.

Some of those testifying stated that schools need to have psychological counselors on staff. Others suggested that one staff member from the local community mental health center might be assigned to work in the school. Most educational personnel testifying agreed on the urgent need for greater cooperation between school staff and the various agencies of the Department of Health and Social Services.

Young adolescent males, particularly Native males, need greater exposure to appropriate role models. Schools should develop programs which bring such role models into the classroom to conduct small group discussions with male junior and senior high school students.

Schools should offer classes designed to promote self-esteem while teaching specific life skills such as problem solving, interpersonal communications, parenting, etc.

Crisis lines should be made more accessible to students and young people.

Learn Alaska, particularly the Talk-Back Program, was cited as a valuable means of sharing information and promoting discussion in the schools. The DRAM-EDY program won high praise from a group of Anchorage teens who testified to the program's helping them survive and resolve painful experiences and emotions.

Treatment Programs

Many people testified that there are not enough treatment programs for children and youth in Alaska. Treatment programs for substance abusers, suicide attempters, specialized group and foster homes able to create safe caring environments for troubled children and teens were all cited as being needed.

Existing treatment programs are too expensive. Health insurance frequently does not cover costs of mental health treatment. Mental health coverage should be made mandatory in all group insurance policies in Alaska.

Residential treatment facilities should be available in all hub communities in the state.

Intervention and aftercare services need to be more widely and more readily available. There are too few programs which offer these services and those that do are frequently understaffed.

Treatment programs for suicide attempters need to be available in jails and prisons. Correctional staff need to be trained in suicide prevention.

There should be statutory changes that make it easier to get people into treatment. Those testifying on this subject suggested the following: a broadening of the categories of children and youth that the Division of Family and Youth can serve to include young people who are in need of treatment but not abused or neglected; a loosening of the mental health commitment law to make it easier to impose treatment on those who are unwilling but in need; changes that insure that the person who is intoxicated and suicidal does not slip through the cracks between mental health and alcohol agencies.

Research and Data Collection

While marked improvements have been made in the state's vital statistics, suicide, particularly in rural areas, continues to be underrecorded. Continued attention needs to be paid to procedural changes within the Bureau of Vital Statistics.

One or more field representative positions need to be established within Vital Statistics. Field representatives would travel throughout the state to check coroner data and to provide needed training to those responsible for collecting and maintaining data in the field. This would help insure the more timely receipt of more accurate data by Vital Statistics.

Vital statistics should develop a worksheet to accompany the death certificate in all coroners' cases. This worksheet, completed by the coroner, would provide data normally not available on the death certificate, particularly regarding alcohol and drug blood levels.

Despite the amount of research completed on suicide in Alaska, the precise targeting of suicide prevention efforts continues to be hampered by the lack of specific information about the who, where and why of persons at risk. Both epidemiological research, particularly focussing on the variation in the rates of suicide across villages and regions of the state, and etiological research are needed. Among the various research topics suggested are: rural adolescent and young adult development; family patterns among well adjusted and troubled rural youth; case studies, often termed psychological autopsies, of persons who complete suicide; an examination of the suicide cluster phenomenon.

The state should fund various suicide education and intervention demonstration projects with carefully built-in evaluation designs to insure that results can be compared and the more successful models promoted.

FINDINGS AND RECOMMENDATIONS

The public testimony we heard and the written reports we reviewed are remarkably consistent in their framing of the problem, in their perceptions of the weaknesses of many of the past and current efforts to prevent suicide and treat suicide attempters, and in their statements about what needs to be done. Many spoke of a need for a deeper understanding of the factors that contribute to suicidal behavior and a need to be able to more accurately determine who is most at risk.

But most who spoke stressed the importance of immediate action -- of doing something now. They called for the creation of new programs and the strengthening of existing programs to assist those in immediate danger and those who are at risk.

Through our review of the studies and testimony, we identified five major themes that demand the attention of policy makers and all Alaskans.

First, the schools have critical roles to play in educating people about suicide, in the early identification of persons at risk and in making connections between troubled youth and persons who can help. These roles are best played by the people in the schools - staff, faculty and students.

Second, the prevention, intervention and treatment programs currently provided by the State of Alaska are overly fragmented. The various human services agencies are too often understaffed and overburdened with restrictions regarding whom they can serve and how they can serve them.

Where there should be cooperations among service providers, there often is competition. Where there should be a safety net for troubled Alaskans, there are holes through which far too many fall.

Third, the problem of suicide in the villages of Alaska is rooted in the complex stresses that exist within rural communities, cultures, families, and individuals. Efforts to prevent suicide must be willing and able to address the problem in all its dimensions and to recognize the relatedness of suicide to other forms of violent, unnatural death, and self-destructive behavior. Rural Alaskans feel strongly that efforts by "outside experts" have too often proven ineffective. The time has come for us to encourage and support initiatives and efforts from within the communities.

Fourth, there are not enough treatment programs to assist those most at risk. Those that do exist are not necessarily in the right location and charge fees that the average Alaskan cannot afford.

Fifth, there is a need for more information and better handling of the information that is collected.

As all of the foregoing makes plain, the issues this committee has sought to address are exceedingly complex. Acknowledging this, and attempting to respond to the cries for immediate help, the committee has not addressed in this interim report all issues and needs; it has instead striven in this to reach conclusions, identify promising avenues for action now, and to ask two departments to provide information to allow the committee to continue its task of developing recommendations for the consideration of the Senate.

It is our intent that the recommendations in the final report be specific, practical, and state clearly how and by whom they should be implemented and at what cost. For this reason the recommendations that follow are presented in the form "findings, recommendation, request." The findings reflect the public testimony we heard and the literature we reviewed. The recommendations reflect our conclusions about the kinds of programs and policy changes that need to be undertaken now to reduce the number of lives lost through suicide and, further, to support and assist village efforts to build the kinds of communities in which people want to live. The requests are to two state departments to provide this committee with specific descriptions, including plans and cost estimates, of how the recommendations can be implemented.

FINDING 1.

The schools are an appropriate focal point -- especially in urban areas -- for direct efforts to prevent suicide. There are various ways in which the ability of schools to fulfill this role can be enhanced.

Recommendation 1.1

Each school needs to identify and implement a mechanism for identifying seriously troubled youth and referring them to the appropriate helping agency.

Recommendation 1.2

Each school should develop a crisis response plan and a trained crisis intervention team which includes school personnel and community helpers.

Recommendation 1.3

Each high school and junior high school needs to include in its regular curriculum a program in "emotional survival skills" that is developed to help young people understand and constructively cope with stress, negative feelings, and difficult decisions. It is in the overall context of this program that youth should be informed about suicide, its warning signs, appropriate ways to support a troubled friend and when and whom to call for professional help.

Recommendation 1.4

Young people are mostly likely to share their feelings and problems with their peers. The ability of peers to support and assist each other can be enhanced through special training. The Natural Helpers program has proven effective in identifying and training peer support networks when on-going, consistent adult support and guidance is available. The Department of Education needs to encourage all high schools in Alaska to implement the Natural Helpers Program and to formalize the role of the adult staff member who supervises the program.

Request

This committee requests the Department of Education to submit to this committee an implementation plan and cost estimates for recommendations 1.1, 1.2 ,1.3 and 1.4 by February 8, 1988.

FINDING 2.

Earlier identification and referral of troubled youth by school personnel will only prove effective if significant improvements are made in the communications and relationships between the school and the agencies to which referrals are made and in the capability of those agencies to respond promptly and appropriately.

Recommendation 2.1

The Department of Health and Social Services needs to develop policies which clearly define the responsibilities its agencies and the procedures to be followed by those agencies when a school refers a youth they have identified as seriously depressed and potentially suicidal. The Department needs to designate one local lead agency as the point of intake for such referrals and identify that agency to the school.

Request

The Committee requests the Department of Health and Social Services to develop and submit to this committee an implementation plan and cost estimate for Recommendation 2.1 by February 8, 1988. The Committee requests the Department to review and refine the plan with the Department of Education prior to its submission.

FINDING 3.

The numerous social and human services programs provided by the State of Alaska have not proven effective in the villages of the state. The division of responsibility among the various agencies of the Department of Health and Social Service and the reliance on models of intervention and treatment developed by and for a different culture in a different setting have severely limited the agencies' ability to relate to the complex reality of rural problems. The use of itinerant service deliverers has meant that help is rarely in the right place at the right time.

Service providers and the rural communities of Alaska agree that the State needs to alter its policies to allow greater control of program design and service delivery by the communities themselves.

Recommendation 3.1

The Department of Health and Social Services needs to develop a rural human services program based on the concept of integrated community development. This concept requires that the community that has the problem must have the freedom and ability to define that problem and to develop and implement its own solutions. It is in this manner that the inter-relatedness of individual, social, cultural, spiritual and economic problems is best addressed. The role of the State of Alaska in the community development model is to provide flexible, non-categorical funding, technical assistance, training and professional consultation as the communities request with reasonable quidelines which insure critical health and safety needs are met.

Request

The Committee requests the Department of Health and Social Services to submit to this committee a plan and cost estimate for the implementation of recommendations 3.1 by February 8, 1988. The plan should consider the structural and statutory changes necessary to fully implement a community based rural human services program including the development and administration of the unified human services block grant program for rural Alaska.

FINDING 4

The residential treatment programs for youth at serious risk are too few, too expensive, and poorly distributed across the state.

Recommendation 4.1

The state needs to develop a more equitably distributed network of residential treatment programs for seriously troubled youth. Particular attention needs to be paid to locating programs in rural hub communities and to working with the regional catchment area to insure the programs reflect the ethic of the people they are meant to serve.

Request

The Department of Health and Social Services is asked to submit to this committee a plan and cost estimates for the development of a statewide network of residential treatment facilities to serve those youth most at risk for suicide. The department is further asked in its submission to describe means of making such programs more affordable, including a discussion of the benefits and problems involved in seeking to make mental health coverage a mandatory component of health insurance.

FINDING 5

There is a continued need for careful epidemiological and etiological research designed to produce the kinds of information needed to more accurately identify persons at risk and prevention and intervention programs that work. Research also needs to focus on identifying the factors that contribute to healthy development and effective coping skills. Continued attention needs to be paid to improving the collection and recording of vital statistics.

Recommendation 5.1

Funds should be provided to support a well-considered, coordinated research effort designed to provide human service agencies with data on which effective programs can be based.

Recommendation 5.2

The Bureau of Vital Statistics should institute a field program to ensure data quality and to provide training to all persons who collect and provide vital statistics data.

Recommendation 5.3

The Bureau of Vital Statistics should pursue and institute a supplementary vital statistics form to supplement the death certificates in all coroner cases and should receive maximum input from professional research personnel in the development of this supplementary form.

Recommendation 5.4

The Department of Health and Social Services must continue its efforts to automate the vital statistics data system and must take whatever additional steps are needed to insure data is collected, coded, recorded and corrected in a timely and accurate manner.

Request

The Department of Health and Social Services is asked to submit to this committee an implementation plan and cost estimate for recommendations 5.2, 5.3 and 5.4.

DEPARTMENTAL RESPONSE

Both the Departments of Education and Health and Social Services responded within 22 days as requested and their responses were the subject of a special meeting of the Committee on February 11, 1988.

The Department of Health and Social Services commended the Committee, saying, among other things:

> "The strength of the report findings are amplified because they dovetail with many of the key themes in the Governor's Interim Commission on Children and Youth.
>
> We are reaching a crossroads in understanding both the roots of these problems and the type of delivery systems that are most likely to be successful in reducing them. We are understanding more clearly the need to design an environment where community empowerment prevails. Money alone will not give us the long-term answers."

As requested, the Department also provided implementation plans and estimates of costs as follows:

DEPARTMENT OF HEALTH AND SOCIAL SERVICES	FY '89 (in thousands)
- Redesigning the system	$ 162.0
- Responding to immediate needs (eight villages)	397.0
- Residential treatment	(further analysis required)
- Child and family research	147.7
- Adolescent health survey	133.8
- Data Reporting	171.5
- Data entry	235.9
- Village mental health aides (each village, one-fourth time)	5.9 per village
- Community Mental Health Centers as lead agencies.	1,328.4

The Department of Education also commended the committee, saying, in part:

> "The Interim Report has precipitated much concern and determination to change the circumstances that lead to suicide. Certainly, education has a key role to play in the circumstances that will eventually lead to the creation of an environment that will discourage suicide among our young people.
>
> The recommendations that your committee has asked the Department of Education to develop implementation plans and cost estimates for are very important, and we have prepared a document which is based on

the Department's response to the GICCY recommendations dealing with suicide.

The Department also provided implementation plans as follows:

DEPARTMENT OF EDUCATION	FY '89 (in thousands)
- Identification of troubled youths; development of crisis report plans	$ 21,259.7
- Life skills curriculum, training	449.5
- Natural Helpers	810.4

The complete responses of both Departments appear in the Appendix.

PUBLIC RESPONSE

More than 400 copies of the Committee's draft interim report were distributed following the meeting of January 18, 1988. Twenty-four letters were received that reflected careful review of the report.

The writers of these reviews and commentary -- providers of services, Native organizations, federal agencies, concerned citizens -- were uniformly complimentary in their reviews, but several also called our attention to underlying factors contributing to suicide or suicide attempts that they believed were ignored or insufficiently described in our report. These were: joblessness among village youth, the high rate of Native failures in urban high schools, the contrasts between life on television and one's own life, the doubts about self-worth a minority person may be led to by the larger society, the disruption in the transmission of parenting skills, Native traditions and subsistence skills caused by the imposition of boarding school education prior to the Molly Hootch Act, the experiences of prison life, and the economic pressures (such as child support) upon persons with no income.

Letter writers also pointed to additional remedial actions that might be taken such as education through field-delivered university course work, school courses in Native languages and culture, establishment of youth employment programs, culture-specific alcohol education, reduction of barriers to Native employment in mental health positions, and special training for Village Public Safety Officers and for persons employed in hospitals and regional health corporations.

There was wide agreement that leadership within communities was a critical factor in reducing the stresses that lead to suicide and suicide attempts.

RECOMMENDATIONS

As we note in the report itself, the complexity of the issue this committee faced was even greater than anticipated. This complexity, together with the press of the legislative session, led us to narrow our task to one of making recommendations to the Senate that give promise of producing positive changes soon. Secondly, we evaluated proposed actions to see whether they would be clearly consistent with the public and professional concensus we had heard. Finally, but regrettably necessary, we weighed the cost of proposals against the availability of revenues in the current year. What is presented here offers a balance of effort between departments of state government and their client service delivery organizations that encourages and assists the implementation of locally designed programs of suicide prevention and intervention.

Based upon the foregoing, we have concluded that three goals must be pursued now.

A. Improving the ability of communities to assist persons at risk.

1) The Department of Health and Social Services should be instructed (by legislative intent) to seek ways to provide flexible, non-categorical funding and to reduce fractionalization of program delivery, particularly for rural areas of the state, through consolidation, re-structuring or redesign of existing grant programs. The department should report to the next session of the legislature on the progress of this activity.

2) The Department of Health and Social Services should be instructed (by legislative intent) to establish a broadly experienced crisis intervention/training assistance team from personnel within agencies such as State Office of Alcohol and Drug Abuse (SOADA), Division of Mental Health, and Division of Family and Youth Services to assist community based program development.

3) The legislature should redefine "mental health professional" to include a trained community mental health aide for rural areas that do not have and are not likely to attract highly trained specialists.

4) The legislature should appropriate to the Department of Health and Social Services undesignated funding in the amount of $900,000 to be used as grants to community and regional organizations for crisis response, community based program development, and pilot projects in suicide prevention and intervention.

5) The legislature should appropriate $150,000 to the University of Alaska to help defray the costs of providing field training of persons associated with suicide prevention and intervention, such as public protection officers, hospital personnel, social workers, teachers, counselors, correctional system personnel and community mental health aides.

B. Helping assure that schools are prepared to assist in the prevention of suicide.

1) The legislature should provide funds in the amount of $500,000 to the Department of Education for grants to school districts to be used for the establishment, training and supervision of natural helper (peer group) programs in at least ten districts in cooperation with the Department of Health and Social Services.

2) The legislature should provide funds in the amount of $200,000 to the Department of Education for adaptation of life/coping skills curricula by school districts to their local needs. These funds should be disbursed as grants to at least ten school districts proposing innovative and relevant coursework appropriate to their areas.

3) The legislature should appropriate $200,000 to the Department of Health and Social Services to provide mental health lead agency services through local or regional client organizations, to school districts with suicide crisis intervention and prevention programs.

4) The legislature should require (by legislative intent) that all school districts report by November 1, 1988 to the Department of Education and this committee on their progress in devising programs or other actions to prevent suicide and otherwise assist youth at risk.

C. Improving our knowledge of the scope and severity of the problem.

1) The legislature should appropriate $235,000 to the Department of Health and Social Services to increase the accuracy, reliability, detail and timeliness of the Division of Vital Statistics reports on the occurrence of suicide and other violent death.

2) The legislature should appropriate $134,000 to the Department of Health and Social Services for the Adolescent Health Survey.

3) The legislature should appropriate $75,000 to the University of Alaska for research that would identify individual and community characteristics of suicide occurrences in rural Alaska.

While we make no specific recommendations regarding alcohol and drug abuse, we acknowledge the close association between these substances and most suicides and suicide attempts. We therefore urge the legislature give priority consideration to pending legislation that gives promise of reducing alcohol and drug abuse.

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STEVE COWPER, GOVERNOR

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February 11, 1988

The Honorable William L. Hensley
Chairperson, Senate Special Committee
on Suicide Prevention
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Hensley:

The Department of Health and Social Services is pleased to respond to the Interim Report of the Senate Special Committee on Suicide Prevention. First, I would like to commend the Committee for your thoughtful and meaningful work on this issue. I believe this effort will provide the impetus needed to focus our efforts at preventing the tragic rate of suicidal deaths in our state, much the same way the Governor's Interim Commission on Youth and Children (GICCY) report has focused our attention holistically on the issues impacting Alaskan children.

The themes in the report address the inextricable relationship between suicide, family dysfunction, personal violence, alcohol and cultural change; recognizing the significant role the community and family must play in the resolution of these issues. The strength of the report findings are amplified because they dovetail with many of the key themes in the Governor's Interim Commission on Children and Youth work.

We are reaching a crossroads in understanding both the roots of these problems and the type of delivery systems that are most likely to be successful in reducing them. We are understanding more clearly the need to design an environment where community empowerment prevails. Money alone will not give us the long-term answers. We cannot buy our way out of these problems by simply treating more victims.

In this spirit, we are going to try to find a way to change our grant programs. Our goal is to remove the artificial barriers that exist among the various programs and to allow communities to design their own programs using the resources of each grant program without having to prepare multiple, difficult applications. We do not know, until we start, how possible this is.

Common sense says it should be possible. We are going to use that common sense, the advice we will seek from a variety of sources, and our own creativity and commitment to go as far as we can.

We will have to share this task with the advocates for the various programs and special needs populations and the regional health and social service providers. Their support is essential in this project or it will certainly fail to achieve its potential.

The Department would like to continue a close working relationship with the Special Committee on Suicide Prevention to further develop these ideas and the specific implementation plans and costs contained in our response to your work.

Sincerely,

Myra M. Munson

Myra M. Munson
Commissioner

Enclosure

DHSS RESPONSE TO
INTERIM REPORT OF THE
SENATE SPECIAL COMMITTEE ON
SUICIDE PREVENTION

RECOMMENDATION 3.1 - Develop a rural human services program based on the concept of integrated community development.

DHSS IMPLEMENTATION PLAN

Suicide prevention and the delivery of rural services share commonalities that suggest their implementation be interwoven. The thread of commonality lies in recognizing the role of community in the healing process. Recommendation 3.1 suggests a redesign of parts of the present delivery system in rural Alaska, as well as a need to enhance available support/counseling services to help prevent suicide. Immediate Rural service needs must be considered, with programs developed in tandem with needed changes in the state system. The following implementation strategies are suggested.

Addressing the State System

What is needed is not a great deal of money, but a great deal of work in bridging the boundaries that have traditionally separated rural communities and state government. This work must determine the mechanisms needed to change government program and funding systems to be more responsive to identified needs in small communities rather than forcing communities to respond to government.

To accomplish this goal, a commitment must be made over time by the government, regional systems and local communities. During the initial phase of three years, there must be a thoughtful blend of analysis, listening, and planning to allow for careful long-term action. The resulting system will spring from what is learned through this process, allowing for needed change that is owned by participating systems.

The Workhorse

It is painfully clear that the resolution of rural community suicide is well beyond the control of any state agency, including DHSS.

A Council of Advisors is proposed, comprised of nine people who have shown interest in finding new ways of addressing rural social problems. They would represent Native needs, organizations and state government. Their work would be supported by staff within the DHSS Commissioner's office.

The Council of Advisors would provide a forum for review of present structures of government and their relationship to community development. This review would include analysis of DHSS regulations and policies including their relationship with the departments of Community and Regional Affairs, and Commerce and Economic Development and others.

It would conjointly look at community development approaches in the health/social fields, economic development (i.e. fisheries) and Native American culture.

The councils first year goal would be to design and suggest a new system integrating their analysis into an action plan that would enhance the community as healer. The plan would define those highly technical clinical services that must continue to be made available and how the community will access them.

The Immediate Needs

Concurrently, immediate rural service needs must be addressed. The GICCY recommended that basic counseling services should be available in all Alaskan communities and suggests that existing community workers, such as a health aide, VPSO teacher can, with support and consultation, form the nucleus of a local response team. Results of Division of Mental Health and Developmental Disabilities' pilot projects in several villages support this view. In some communities such response teams have formed and are intervening in crisis situations. Some communities have other ideas about what they can do to address the issues that contribute to the loss of hope among their residents and can define what services they need. These communities often need relatively small amounts of financial support and technical assistance to carry out their plans and strengthen their core services.

To achieve this goal of community empowerment departmental discretionary funds to support local efforts would be needed. These efforts might include various programs developing out of the community planning for their own needs. For example, paying a local person to work as a youth counselor or hiring a trainer for the village crisis response team. Technical assistance will be available to communities through a Community Development Specialist within the Division of Mental Health and Developmental Disabilities, which is included in the Governor's FY 89 proposed budget. Contracted regional community development specialists would also be used.

Technical assistance might include assisting communities to define and develop a planning process; assisting with funding applications, budget estimates and other administrative matters; assisting with the identification and location of needed additional resources, and developing protocols for basic mental health services.

To be successful, local communities and relevant local and regional entities, i.e., the Community Mental Health Center, the regional health corporation, the IHS, and the school district must participate in this collaboration.

The experiences of these discretionary projects would provide valuable knowledge and testing grounds for the Council of Advisors in their work, and enable the department to make needed systems changes.

Cost Estimate

A. Redesigning the Future System

	FY 89	FY 90	FY 91
Council of Advisors			
Travel and per diem $10,000 x 6 meetings	60,000	40,000	20,000
Personal Services			
Program Coordinator (R20)	59,888	59,888	59,888
Clerk IV (R9)	28,626	28,626	28,626
Total Personal Services	88,514	88,514	88,514
Travel and per diem			
15 trips x $750	11,250	11,250	11,250
2 days x 15 x $80/day	2,300	2,300	2,300
Total Travel Expenses	13,550	13,550	13,550
Total	162,064	142,064	122,064

*All other administrative costs will be incurred by DHSS

B. Responding to Immediate Service Needs

Discretionary Funds			
25,000 to 50,000 x 8 villages	300,000	400,000	600,000
Contractual Services			
Community Development Specialists	35,000	35,000	35,000
Travel and per diem	11,250	11,250	11,250
15 trips x $750			
2 days x 15 x $80/day	2,300	2,300	2,300
Total Travel Expenses	13,550	13,550	13,550
Total Contractual	48,530	48,550	48,550
Total Recommendations	397,080	497,100	697,100
TOTAL	559,144	639,164	819,164

RECOMMENDATION 4.1 - Equitably distributed network of Residential Treatment programs for seriously troubled youth.

This finding is similar to the Governor's Commission on Children and Youth (GICCY) recommendation referencing the need for more residential treatment options for substance abusing youth. Presently, the State Office of Alcoholism and Drug Abuse (SOADA) funds ARCH, a residential facility in Anchorage. There is a continual waiting list for these 16 beds. Through federal 99-570 funds, the Indian Health Service has been awarded $469,000 to establish one residential substance abuse treatment facility for Native youth. In Kodiak, another residential treatment program is starting up. Even when these programs are operational there will likely be a need for more treatment beds. Building new facilities is not the answer. Resources could be added to existing residential facilities around the state to address the needs of these seriously troubled youth, as a cost-effective strategy. However, more departmental work is needed before a final implementation plan or cost estimate is offered to the Committee.

RECOMMENDATION 5.1 - Coordinated research to provide effective human service agencies with data for program design.

DHSS IMPLEMENTATION PLAN

A. Child and Family Research

This recommendation addresses the critical need to improve the quality and scope of suicide data collection and analysis. The recommendation identifies the need to centralize research activities in order to more efficiently and accurately process information. Additionally it points out the need to capture revenue sources associated with conducting the research and disseminating relevant findings.

High level analysis is needed to meaningfully understand social and health trends and to provide communities the facts needed to make informed decisions on how best to deal with and prevent suicide. The department currently lacks the ability to conduct ongoing, comprehensive evaluations and assessments of data pertaining to children, youth and families.

Additionally the state is losing substantial amounts of federal and private foundation funding which could be used to respond to the problems facing Alaskan children and youth. Past reductions in administrative staff have greatly limited the department's ability to apply for grant funds.

In order to respond to these interrelated problems, the department needs two Research Analyst III's and a clerk typist to conduct ongoing research and analysis. One of the analysts would also be responsible for reviewing, analyzing and assisting in applying for grant funds which are consistent with community and department goals.

Cost Estimate

A. Child and Family Research

	89	90	91
2 Research Analysts	99.2	99.2	99.2
1 Clerk Typist	28.5	28.5	28.5
Contractual	7.5	7.5	7.5
Equipment	12.5	0	0
Total	147.7	135.2	135.2

B. Adolescent Health Survey

No comprehensive survey of Alaska's youth and their needs exists. Program design and resource allocation requires guesswork without reliable baseline data. The Indian Health Service (IHS) will survey this year a representative sample of Alaska Native youth with the Minnesota Adolescent Health Survey. Unfortunately the department does not have the funds to assure that non-Native youth can be added to the representative sample being surveyed by IHS. Through statewide effort, baseline data on a wide range of health, education, and social issues will be available for comprehensive planning, and development of specific program designs responsive to the needs of Alaskan youth, if the full population could be surveyed.

The Minnesota Adolescent Survey is a questionnaire administered to 12 through 18 year olds. The questionnaire asks about a number of health related issues including substance abuse, self-image, relationships, sexuality and diet. The survey instrument has been previously validated, having been administered to over 30,000 adolescents in Minnesota and South Dakota. It was objectively developed for administration through Minnesota by the State Division of Maternal and Child-Health, and the University of Minnesota. Approximately 9 other states have contracted with the University of Minnesota for survey usage. The Indian Health Service Headquarters in Washington, D.C. has contracted with the University of Minnesota to survey 40,000 to 50,000 American Indian/Alaska Native youths throughout the United States.

Cost Estimate

B. Adolescent Health Survey

The cost to the state of Alaska to ensure that a statewide sample of Native and non-Native students is surveyed would be $133.8. This would cover the costs of surveying 26,000 students who would not be included in the Indian Health Service survey in Alaska.

Contractual Services

Contract with the University of Minnesota	$85.9
Purchase of Survey	6.5
Computer Time and Data Processing	62.7
Secretarial	5.0
Travel to Alaska	3.5
Supplies/postage/phone	4.0
	81.7
Indirect - 5%	4.1
	85.8
Postage for parental consent forms	20.0
Project Manager (full time for 6 months)	25.0
Travel and per diem (project manager)	3.0
TOTAL	$133.8

RECOMMENDATION 5.2 Field program for quality control and training of all persons who provide vital statistics data.

DHSS IMPLEMENTATION PLAN

This recommendation addresses the critical need to collect and report suicide data in a consistent manner. Consistent collection and reporting of vital events is essential for communities and state policy makers to appropriately respond to suicides when they happen and to reduce the incidence of suicide in the future.

An active field program is necessary to ensure consistent data collection. The major efforts of a field program center around training, problem solving, and auditing of data quality.

The field representatives' entire focus is on the quality of the vital statistics data provided by community officials. In a typical state field program, the field representative spends 60-70 percent of their time visiting hospitals, funeral directors, physicians, coroners and magistrates on a regular schedule. Unannounced visits are also made. The field representatives check certificate data quality by comparing birth certificates with hospital logs, and death certificates with magistrates and coroners' files. They make recommendations for changes in procedure which will standardize and improve the data generated by all sources. Field representatives develop up-to-date manuals to instruct data generators on how to properly complete the certificates. These efforts improve data on suicides, homicides, and accidental deaths.

Presently, there is no field work done in Alaska to audit records for accuracy or completeness, or to statistically correlate the data.

The department needs two field representatives to audit data and provide training. In addition, such staff could present at statewide and regional conferences of coroners, magistrates, physicians, medical records staff, Community Health Aide Directors, Public Health Nurses and funeral directors to teach how to properly fill our birth and death certificates.

This training will be particularly important because the new revised birth and death certificates go into effect January 1, 1989.

Past reductions in research staff have also meant that currently the Vital Statistics Annual Report is being produced by one research analyst and one statistical technician who are also responsible for answering vital statistics data requests. As a result, the report has been published 2-3 years late.

This lack of timeliness in the dissemination of vital statistics data and related analysis has been a source of great frustration to departmental program managers and to health agencies across the state, including the Native regional health corporations, federal agencies like the Center for Disease Control, other state agencies like the Department of Labor, and private citizens.*

Cost Estimate

		89	90	91
A)	Improved Data Reporting			
	2 Field Representatives at $49.6/position	99.2	99.2	99.2
	Travel per diem	50.0	50.0	50.0
	Field Visits			
	Training	9.8	9.8	9.8
	Contractual	5.0	5.0	5.0
	Equipment	7.5	0	0
	TOTAL	171.5	164.0	164.0

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*Data on the patterns of births and deaths in any state are an invaluable and essential resource to use in directing public health efforts. In Alaska, the data are essentially outdated by the time they are released and thus are of little help in planning, prioritizing, and evaluating public health efforts statewide, including departmental programs.

RECOMMENDATION 5.3 - Supplemental death certificate form in coroner cases.

DHSS IMPLEMENTATION PLAN

Death and birth certificate committees have been meeting for the last year to revise these certificates in accordance with the National Center for Health Statistics. The death certificate subcommittee determined that an additional vital statistics form was needed to acquire the desired public health information about deaths. A form has been developed and is currently being reviewed for final revisions. Coroners will be required to file this supplemental form with the death certificate in all coroner cases.

Professional research personnel served on both the death and birth certificate subcommittees, including participation from vital statistics, coroner, medical examiner, public safety, emergency medical services, alcohol treatment, and health science research professionals.

Cost Estimate

No new costs to the state.

RECOMMENDATION 5.4 Automate vital statistics data system and take whatever steps needed to insure timely and accurate data collection.

DHSS IMPLEMENTATION PLAN

The reliability of state vital statistics data has been an ongoing concern of health officials and policymakers. Without reliable data, incomplete information or misinformation goes to departmental management. The lack of valid information leaves management without a basis for important policy decisions necessary to alleviate a major health problem like suicide. Accuracy and timeliness should be the two goals of any state statistics system. The needs identified here, if met, will greatly aid the department in meeting these goals.

Cost Estimate

Accurate data entry and processing of certificate data are essential to ensure that vital statistics data, when released, are valid and reliable. Two data processing clerk positions are needed to ensure accurate and timely review of certificates and querying of data sources for additional information and corrections.

	89	90	91
2 Document Processing Clerks at $32.2/position	64.4	64.4	64.4
TOTAL	64.4	64.4	64.5
GRAND TOTAL	$235.9	$228.4	$228.4

RECOMMENDATION 2.1 - Policy and procedure development for school referral of high risk children and youth by DOE/DHSS.

DHSS IMPLEMENTATION PLAN

According to the mental health statute, A.S. 47.30.545, one of the highest priorities of service by the community mental health centers is a person:

(D) Who is under 18 years of age:

(i) Is at immediate risk of removal from home for treatment of a mental or emotional disturbance;

(ii) Exhibits behavior indicating a high risk of developing a disturbance of a severe or persistent nature.

The Department of Health and Social Services, through the Division of Mental Health and Developmental Disabilities, will designate the community mental health center as the lead local agency consistent with this recommendation. The Department will develop appropriate policies and procedures to be followed by the community mental health centers to effectively achieve in this recommendation.

This recommendation clearly states that the Department of Education and the Department of Health and Social Services have a joint role to play in trying to prevent suicide and rehabilitating recovering attempters and or survivors. The school and the community mental health center must work cooperatively to achieve this goal.

The Role of the School

1. Recognizing the "at risk" signs in students. The assumption is that school personnel are in an excellent position to be among the first to become aware of warning signs of impending suicidal behavior.

2. The school should be able to respond to a crisis. School personnel must be taught techniques of intervening in crisis situations to prevent a suicide or to alleviate the social, cultural, and environmental precipitators of crisis. The Department of Education proposes the formation of core teams within such school to receive crisis intervention training.

3. Establish ongoing liaison and make appropriate referrals to community mental health centers and community-based agencies.

4. The school may provide support and help to the students survivors of a suicide experience.

5. The school should build a positive mental health environment in which each child can learn the skills of everyday life as well as prepare him/herself for the future.

To achieve the above goals, the Department of Education will, subject to funding:

1. Provide school social workers or school counselors in every elementary, middle and high schools in urban areas, and in each rural school district.

These counselors will identify children and adolescents individually and as groups, and provide services as needed; work with school administration and personnel to ensure effective communication and to provide needed resources; work with children who are physically and emotionally handicapped, work with parents by establishing a liaison between the home and the school; and provide information and help parents and students utilize existing community resources.

The Department of Health and Social Services will perform the following tasks, subject to funding:

1. Identify the community mental health center which is responsible for providing services to a particular school and or district.

2. Provide additional resources to community mental health centers so that they can respond effectively to referrals and other contacts from the schools.

3. Take steps to insure that each community mental health center develops written policies and procedures regarding referrals from and consultation with the school. The policies and procedures will establish that the community mental health center will do the following:

a. Establish a liaison with each school in its catchment area.

b. Insure that children and youth referred by the school counselor are seen promptly and that the school counselor is kept informed of the course of treatment as appropriate and within in the limits of confidentiality.

c. Serve as a resource for teachers, school counselors and administrators in areas of behavior management and curriculum development and enrichment as appropriate.

d. Provide the schools with relevant information, consultation and inservice training on various topics including:

improving teacher student relationships;
improving intervention and referral skills;
developing counseling support systems.

4. In rural communities which are distant from the Community Mental Health Center, the community mental health center, school and community will work together to identify appropriate community mental health center, school and community linkages. One possible model is the employment and training by the Community Mental Health Center of a part-time village based mental health aide, in communities wanting to utilize this approach.

Cost Estimate

A. Village Mental Health Aides

One part-time mental health aide in rural communities which are distant from the community mental health base. The decision to employ a mental health aide will be made jointly by the community mental health center, school and village. The total cost is based on the number of mental health aides employed, a number which cannot be determined at this time.

$10/hr x 10 hours/week x 40 weeks =	$	4,000
Fringe at 23%		x .10
		4,400
Travel costs associated with training, supervision, and intervillage travel $1,500 per mental health aide.	$	1,500
TOTAL COST per mental health aide	$	5,900

B. Community Mental Health Centers as Lead Agencies

One master's level counselor or social worker to serve as designated school-community mental health liaison in each community mental health center at an average cost of $40,000 per counselor.

27 CMHCs x $40,000	=	$ 1,080,000
average fringe at 23%		x. 23
		248,400
		$ 1,328,400

C. Lead School Counselors

The Department of Education has estimated the cost of placing a lead counselor in each of the 55 school districts and Mt. Edgecumbe at	$ 4,200,000
The Department of Education has estimated the cost of placing a counselor in each school (K-12) at	$ 11,000,000
TOTAL COST	$ 15,200,000

STEVE COWPER, GOVERNOR

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10th STREET
POUCH F
JUNEAU, ALASKA 99811

February 10, 1988

The Honorable William L. Hensley
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Hensley:

First of all, I would like to congratulate you and the other members of the Senate Special Committee on Suicide Prevention for the work that you have done on one of the most critical issues that our Native peoples are facing. The epidemic rate of suicide among the young Native men and women needs to be arrested.

The Interim Report has precipitated much concern and determination to change the circumstances that lead to suicide. Certainly, education has a key role to play in the circumstances that will eventually lead to the creation of an environment that will discourage suicide among our young people.

The recommendations that your committee has asked the Department of Education to develop implementation plans and cost estimates for are very important, and we have prepared a document which is based on the Department's response to the GICCY recommendations dealing with suicide prevention.

In our response to recommendations 1.1 and 1.2 we present six activities. Out of the six, there are three that we feel are of high priority. They are:

Training of Core Teams
Lead Counselors
School Counselor/Village Aide Program

In our response to recommendation 1.3 we present five activities. Out of the five activities, the following three are high priority:

Model Life Skills Curriculum
Training in Use of Curriculum
Parenting and Child Development Courses

Our response to recommendation 1.4 speaks to the establishment of Natural Helper Programs in all the schools in Alaska during a three year period.

The cycle of learning parenting skills was interrupted when many Alaska Native youth were transported to distant boarding schools throughout the nation. Now the same individuals are adults raising children. Many of them lack parenting skills. In our response to Recommendation 1.3, we have included a component for a parenting and child development course to be piloted in junior high/senior high in four school sites.

Also the Department of Education would advocate the development of a program which will provide training for community persons to become aides to school counselors. The program would be similar to the Community Health Aide program which has successfully trained Alaska Natives as health aides.

I would like to emphasis that the administrative costs that we have presented are essential for the success of each of the programs. Coordination and technical assistance responsibilities from the State level cannot be met without additional expertise on staff.

The job that we have ahead of us is very important and can be done with the right resources and cooperation between all agencies concerned. Suicide is final and affects so many people.

Once again, congratulations on the commendable job that you and your staff have done.

Sincerely,

William G. Demmert
Commissioner

Alaska Department of Education
Response
to

INTERIM REPORT
OF THE
SENATE SPECIAL COMMITTEE
ON
SUICIDE PREVENTION

RECOMMENDATIONS

PRELIMINARY COST PROJECTIONS

February 10, 1988

Alaska Department of Education

Summary

FY 90

Suicide Prevention Recommendations 1.1 and 1.2:

1.1. Each school needs to identify and implement a mechanism for identifying seriously troubled youth and referring them to the appropriate helping agency.

1.2. Each school should develop a crisis response plan and a trained crisis intervention team which includes school personnel and community helpers.

Response to Suicide Prevention Recommendations 1.1 and 1.2

Training of Core Teams	$1000.0
Lead Counselors	4200.0
Teacher/Counselor Training	35.0
Community Planning	300.0
School Counselors	15521.0
School Counselor/Village Aide Program Development Project	90.0
Administration and Coordination	113.7
	21259.7

Suicide Prevention Recommendation 1.3.:

1.3. Each high school and junior high school needs to include in its regular curriculum a program in "emotional survival skills" that is developed to help young people understand and constructively cope with stress, negative feelings, and difficult decisions. It is in the overall context of this program that youth should be informed about suicide, its warning signs, appropriate ways to support a troubled friend and when and whom to call for professional help.

Response to Suicide Prevention Recommendation 1.3

Model Life Skills Curriculum	62.8
Training in Use of Curriculum	36.0
Awareness Video Program	30.0
Specialized Trainers	15.0
Parenting and Child Development Course	117.8
Administration and Coordination	183.7
	444.5

Suicide Prevention Recommendation 1.4.:

1.4. Young people are mostly likely to share their feelings and problems with their peers. The ability of peers to support and assist each other can be enhanced through special training. The Natural Helpers program has proven effective in identifying and training peer support net- works when on-going, consistent adult support and guidance is available. The Department of Education needs to encourage all high schools in Alaska to implement the Natural Helpers Program and to formalize the role of the adult staff member who supervises the program.

Response to Suicide Prevention Recommendation 1.4

Natural Helper Program	
1.Initial Training for Staff and Students; Part-time Contract/Release Time for Key Lead Teacher/Counselor in Each School Duplication/Dissemination of Materials	590.0
2. Additional Resources	75.0
3. Administration/Coordination	145.4

	810.4

A. Response to SUICIDE PREVENTION Recommendations 1.1 and 1.2:

1) Training of Core Teams. a) Crisis Response Teams (CORE Teams) trained in detection of abnormal behavior that identifies students deserving more indepth attention, techniques for intervention and assistance, et.al. To initiate program statewide, training sessions of 4 days, with approximately 40 participants per site would be required: CORE Teams in 55 School Districts + Mt. Edgecumbe $1,000.0	$1000.0
2) Lead Counselors. a) Counselors hired by each District to act as lead and provide direct services for students - minimum $4,200.0; This provides only 1 counselor per district; additional resources would be necessary to provide focused counseling services at each public school.	4200.0
3) Teacher/Counselor Training a) Intensive training for volunteer teachers to assume responsibility for providing discussion groups, referring severely troubled youth, information on coping skills, et.al. (3 urban training sites) $135.0	35.0
4) Community Planning. a) Community Planning to provide basis for community/school response to crisis situations affecting community youth including suicide, violent death and other traumatic events; Cost factors include time for selected school district personnel to act as lead for district (3 weeks minimum per school year), publication and distribution costs of model protocols, effective programs developed elsewhere in Alaska and the U.S. Total cost est. for planning initiates at the school district level: $300.0	300.0

(cont.)

5)	School Counselors.	
	a) Restore or increase the number of school counselors in the public schools.	
	1.Elementary schools - one half time counselor per elementary and multi-grade (K-12) schools (371 x $31.0)	11501.0
	2.Middle and secondary schools - one full time counselor per middle and secondary school in the state(67x$60.0)	4020.0
6)	School Counselor/Village Aide Program Development Project	
	a) Researh and evaluate potential of school counselor/village aides training program similar to Community Health Aide program. Work with the University of Alaska and rural communities to develop training program.	90.0
7)	Administration and Coordination.	113.7
	a) Salary and benefits (State Counseling Specialist) (58.2) (Half-time Clerical Support) (14.0)	
	b) Travel (5 conference/workshops x $800) (4.0) (5 training sessions x $800) (4.0) (1 outside conference x $1100) (1.1) (3 agency meetings x $800) (2.4)	
	c) Contractual (phone/postage) (10.0) (publications/newsletter) (15.0)	
	d) Equipment (5.0)	

TOTAL
$21259.7

B. Response to SUICIDE PREVENTION Recommendation 1.3:

The focus of this K-12 curriculum will be on wellness and prevention. Specific topics will include but not be limited to the following: parenting, commmunication and decision making, self-concept building, family violence, education about sexuality, gender roles and sex stereotyping, sexually transmissible diseases and AIDS, prevention of date rape, sexual abuse and substance abuse, dealing with family dissolution, dealing with grief, job application skills such as resume preparation, job interviewing, and how to be a responsible, dependable worker, and similar topics.

1)	Model Life Skills Curriculum.	62.8
	a) Statewide Task Force to develop curriculum life skills guide	
	1) 12 people x 3 meetings (x $600/mtg/person) (21.6)	
	2) Audioconferences (1.2)	
	3) Facilitator (Honoraria - Travel) (5.0)	
	4) Phone/Support Costs (10.0)	
	b) Publication/dissemination of model guide (25.0)	
2)	Training in use of curriculum - Training of Trainers approach (one trainer/district).	
	a) five day summer workshop, June, 1989 $600/participant - travel + per diem x 55 districts (33.0)	36.0
	b) honorarium for trainers 2 x 1.5 travel and per diem (3.0)	
	c) on-going university courses/workshops	
3)	Awareness video program--how to use the curriculum which is "the integrated approach to high risk."	30.0
4)	Add specialized trainers from other agencies, non-profits, local communities to D.O.E. Talent Bank.	15.0
	a) Support for honoraria for them to work with school districts	
5)	State School Board policy adoptions review.	0.0

6) Pilot Parent Programs. 117.8

- a) Piloting of comprehensive parenting program in 4 sites: 2 rural, 2 urban communities (Parent Focus) (77.0)

- b) Pilot a semester parenting and child development course in junior high/senior high in four school sites (40.8)

7) Administration and Coordination. 183.7

- a) Personnel
  - 1) Health Education Position - coordinator at state level. Salary and benefits (46.1)
  - 2) Associate for Dissemination of Materials (20.0)
  - 3) Half-time Clerical support (15.0)
  - 4) Training and Materials Development Specialist. Salary and benefits (51.4)

- b) Travel
  - (8 trips to conduct training $800/trip) (8.0)
  - (3 trips to outside conference x $1.2) (3.6)
  - (4 trips to 4 pilot sites $800/trip) (3.2)
  - (4 presentation state conferences $800/trip) (3.2)
  - (5 agency meetings $800/trip) (4.0)

- c) Contractual
  - (10 audioconferences x $320) (3.2)
  - (phone/postage) (20.0)

- d) Equipment (6.0)

TOTAL $ 444.5

C. Response to SUICIDE PREVENTION Recommendation 1.4:

1) Natural Helper Program.

a) Initial training for staff and students participating in program involved Year 1 - 56 schools (56 x 5.0/trainer) Year 2 - 56 schools Year 3 - 56 schools	$ 280.0
b) Part-time contract/release time for key lead teacher/counselor in each school (20 x 5.0) Year 1 280.0 Year 2 560.0 Year 3 840.0	280.0
c) Duplication/dissemination of materials	30.0
d) Additional resources: Dram-edy etc. (contract services)	75.0
e) Administration/Coordination at DOE 1) Salaries and benefits (Full-time Project Director) (51.4) (Full-time Associate) (46.0) (Half-time Clerical Support) (14.0) 2) Travel (5 training sessions x $800) (4.0) (5 conferences/workshops x $800) (4.0) 3) Contractual (20.0) 4) Equipment (6.0)	145.4
TOTAL	$ 810.4

NOTE:
If the goal is to make the Natural Helpers Program available to all middle and senior high schools in the state, 100 sites in year 1, year 2, and 84 sites in year 3 will accomplish that goal over a three year period of time. Cost increases to $515.0 per year for both initial training and contract/release time.

○